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# CONTROLLER'S AUDITS DIVISION

CITY AND COUNTY OF SAN FRANCISCO

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## Status of the Implementation of the Recommendations of the 1996-97 San Francisco Civil Grand Jury

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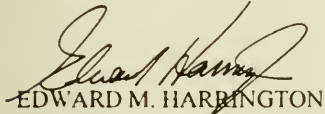
Board of Supervisors  
City and County of San Francisco  
401 Van Ness Avenue, 3rd Floor  
San Francisco, CA 94102

President and Members:

As required by Section 2.10 of the City's Administrative Code, the Controller's Audits Division presents its report on the status of the implementation of the recommendations of the 1996-97 San Francisco Civil Grand Jury (Civil Grand Jury).

This report summarizes the findings and recommendations of the reports issued by the Civil Grand Jury, the responses to those recommendations by the various city departments when the reports were initially issued, and the current status of the implementation of those recommendations.

Respectfully submitted,

  
EDWARD M. HARRINGTON  
Controller



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**Status of the Implementation of the Recommendations  
of the 1996-97 Civil Grand Jury**

**July 20, 1998**



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## **Chapter 1**

### **The San Francisco Unified School District**

#### **Background**

Since 1983, the structure and operations of the San Francisco Unified School District (SFUSD, or the District) have been governed by a court ordered Consent Decree which prescribes District-wide desegregation as a means of achieving academic excellence for all racial and ethnic groups.

The 1996-1997 San Francisco Civil Grand Jury (CGJ) has concluded after investigation that while the Consent Decree has accomplished its desegregation purpose, it has been a failure in its more important goal of producing system wide educational success among its students.

Thirteen years of experience have shown that the performance of two large ethnic groups, African-Americans and Hispanics, on standardized reading and mathematics tests, has continued to lag behind other groups, and that with only a few individual school exceptions, measures taken to date, despite all efforts to reverse this situation, have been inadequate and ineffective.

#### **Results**

The Civil Grand Jury made 4 recommendations and required responses from the following:

Mayor  
San Francisco Unified School District  
Board of Supervisors  
Board of Education  
City Attorney

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#### **Finding: Minimum Age to Enter School Is Based on Historical Precedent**

Only historical precedent in the District requires that a child be four years and nine months old before being permitted to enter the public school system. Substantial improvement in academic achievement can be produced by introducing children to education at a much earlier age, particularly in reading readiness and speaking English.

## **Responses**

### ***Mayor's Office***

***September 30, 1997***

The Mayor's Office agrees in part with the findings. The San Francisco Unified School District has demonstrated "positive growth and change - consistent with Consent decree goals over the past five years," according to the California Consent Decree Monitor's Report.

### ***Office of the City Attorney***

***October 7, 1997***

The City Attorney agrees that there is no legal impediment to having the SFUSD serve children younger than four years and nine months. The City Attorney lacks adequate information with which to respond to the second sentence of this recommendation. However, we note that the District currently operates a pre-school program for younger children.

### ***San Francisco Unified School District /Board of Education***

***May 6, 1998***

The District's comprehensive response is cited in Discover the San Francisco Unified School District, Discovery 5-Child Development Program. The District disagrees in part to the finding. The State of California establishes the funding terms and conditions for Child Development Programs. Currently the eligibility criteria for pre-kindergarten children is set for ages three to five according to Title 5 of the California Code of Regulations.

## **Recommendation 1: Reduce School Entering Age**

The Grand Jury recommends adoption of a program leading to the reduction of the school entering age to two years and nine months, thus extending beginning education in the most formative years by a full two years. This change should occur in the form of a gradual and progressive plan, beginning with a small number of students who have full parental consent and cooperation. Careful longitudinal records should be kept of such students' progress so that the success of the program can be monitored.

In certain instances the integration of such young students into the school system may require some modification of the Consent Decree's inflexible mandate for desegregation because busing would not be feasible. A partial return of neighborhood type schools where a parent can be at hand and participatory should be considered.

## **Responses**

### ***Mayor's Office***

***September 30, 1997***

This recommendation requires further analysis. The Mayor's Office defers to the San Francisco Unified School District for the best approach to this recommendation.

### ***San Francisco Unified School District /Board of Education***

***May 6, 1998***

This recommendation requires further analysis. The S. F. Examiner reported in its November 3, 1997 edition, "the Superintendent of Public Instruction is calling for 'universal preschool' for every 4 year-old in California". As noted in the report, Superintendent Rojas supports this idea. The recent Neighborhood Enrollment Proposal for the 1998-99 School Year was passed by the Board of Education December 9, 1997, promotes the Superintendent's commitment to expanding neighborhood choice to students who attend the alternative schools throughout the District.

The District has adopted the Child Development Program, State Pre-School and Title I Pre-Kindergarten Programs which enroll children in full-day, part-day, and extended day programs. The Districts Child Development Program currently utilizes Developmentally Appropriate Practices (DAP), which are culturally, linguistically and age appropriate.

- Classroom environments provide the structure and space for children to acquire the cognitive, social, and emotional skills they need - through play, interaction with other children and staff, and independent learning experiences. Environments are designed to reflect age, linguistic, cultural, physical, and developmental needs.
- The academic focus of the curriculum emphasizes math, science, and literacy. Children acquire knowledge in these areas through reading, art, dramatic play, small and gross motor activities, indoor and outdoor play, construction, nature exploration, field trips, and other activities.
- Longitudinal records are kept in the form of student assessments. These assessments document the student's progress in the areas of social, emotional, physical, and cognitive development. The Student Assessment forms transition with the student to their elementary Kindergarten placement.

***Superintendent of Schools***

***May 26, 1998***

**District Progress Status:**

- The Child Development Program is the largest provider of early childhood services in San Francisco and offers free or subsidized educational programs to 1,900 pre-kindergarten children and more than 3,000 students in its after-school program.
- The curriculum is developmentally-appropriate and tailored to meet the individual learning needs of each child. Instruction is active and hands-on in a safe and caring child-centered environment.
- The CDP's professional development initiative provides quality training experiences for teachers and paraprofessionals to enhance their knowledge of early childhood education and improve instructional practices.
- Newly designed curriculum standards focus on literacy, math, science, social studies, visual and performing arts, cultural competency, and technology.

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**Finding: Education Begins With the Family**

The first and best education begins with the family. The support, encouragement, example (and occasional prodding) of parents lies behind every successful student. No student can hope to achieve success without this support. Parental involvement in education should become a prime goal of the District.

**Responses**

***San Francisco Unified School District/Board of Education***

***May 6, 1998***

The District's comprehensive response is cited in Discover the San Francisco Unified School District, Discovery 12 - Family and Community. The District agrees with this finding.

**Recommendation 2: Parents Should Be Held Accountable for Children's Education**

Parents should be held accountable for the children's education, and should be strongly urged and induced in every possible way to devote a certain number of hours a month to fulfilling the commitment which being a parent carries with it. Suitable inducements need



to be devised to produce this result, and in the case of optional enrollment schools, can be a contract requisite to admission.

Teacher-parent cooperation is critical to our recommendation; since many parents can come to school only in the evenings, some evening scheduling of teacher time would be required.

## **Responses**

### ***Mayor's Office***

***September 30, 1997***

This recommendation has been implemented. The Board of Education passed the Parent Empowerment Act, Spring 1996, established the Office of Parent Relations. When the current Office of Parent Relations Director began in August 1996, it was clear that there wasn't consensus of the definition of "parent involvement". A number of individuals defined involvement as "bringing parents to the site" for social events, school presentations or parents meetings. To arrive at a working definition of parent involvement, a process involving community organizations, parents and staff was implemented. A Framework for Parent and Family Involvement is now included in the school portfolio rubric.

As defined in District Goal #2, "To improve staff, parent and community participation in the educational process." the District supports parental exercise of Labor Code 230.8 allowing employees to take off up to 40 hours a year to participate in school activities. AB 47 now adds licensed child care facilities to participate in this allowance for parents. The District intends to support parent exercise of this legal right by encouraging large employers to publicly acknowledge and promote this parental right.

### ***Office of the City Attorney***

***October 7, 1997***

This recommendation raises policy issues on which the City Attorney does not comment. However, we note that legally, parents cannot be induced to devote time to the education of their children.

### ***San Francisco Unified School District/Board of Education***

***May 6, 1998***

This recommendation in principle has been implemented. Although the suggested activities of painting walls, monitoring study halls...may be worthwhile, they address only one aspect of parent involvement.

The Board of Education in passing the Parent Empowerment Act, Spring 1996, established the Office of Parent Relations. When the current Office of Parent Relations Director began in August, 1996, it was clear that there wasn't consensus of the definition of "parent involvement". A number of individuals defined involvement as "bringing parents to the site" for social events, school presentations or parent meetings. To arrive at a working definition of parent involvement, a process involving community organizations, parents and staff was implemented. A Framework for Parent and Family Involvement is now included in the school portfolio rubric. This framework is an important tool and is meant to guide school sites in the development of parent/family involvement activities and programs.

As defined in District Goal #2, "To improve staff, parent and community participation in the educational process," the District supports parental exercise of Labor Code 230.8 allowing employees, to take off up to 40 hours a year to participate in school activities. AB 47 now adds licensed child day care facilities to participate in this allowance for parents. The District intends to support parent exercise of this legal right by encouraging large employers to publicly acknowledge and promote this parental right.

### ***Superintendent of Schools***

***May 26, 1998***

#### **District Progress Status:**

- The District's commitment to parent involvement culminated in the formation of an Office of Parent Relations dedicated to promoting and coordinating parent and family activities across the district. Parent Advocates and a Parent Articulation Council provide the support needed to involve all families in this effort.
- Five Beacon Centers in the Mission, Sunset, Chinatown, Visitation Valley and Richmond neighborhoods serve over 5,200 youth and family members annually. Among many activities, centers provide tutoring, classes in computers and the arts, conflict mediation, volunteer experiences for youth and citizenship and parenting classes for adults.
- A Parent Hot Line and various educational materials inform parents about SFUSD, such as a brochure on the District's standardized testing program, a Parent's Bill of Rights, Parent Newsletter and Parent Advocate Training Manual. Information on content and performance standards for each grade level is in process.
- Four Parent/Family Resource Centers in Chinatown, Mission, Bayview Hunter's Point and the Excelsior neighborhoods provide a wide array of educational programs for children and their families to acquire the knowledge and skills needed to increase student success in school.

### **Finding: Community Involvement Should Be Encouraged**

As the Committee of Experts found in its 1992 report "there is a social and economic crisis of great severity in the inner city and the schools need the support of other basic community institutions in their efforts..." The Consent Decree requires that "The SFUSD shall continue its efforts to encourage and improve participation of parents, students, staff, and community." The Grand Jury finds that insufficient effort has been given to carrying out this Decree.

#### **Response**

##### ***San Francisco Unified School District/Board of Education***

***May 6, 1998***

The District's comprehensive response is cited in Discover the San Francisco Unified School District, Discovery 11 - Partnerships and Discovery 7 - Facilities. The District disagrees with the statement that insufficient effort has been made in this area.

### **Recommendation 3: Establish Department of Community Relations**

The Grand Jury recommends that the District establish a Department of Community Relations to assist the schools in developing outreach programs in each of their districts to identify community and civic organizations and businesses which may be expected to assist the schools in practical and personal ways in order that each school may develop a sense of community identity in its locality.

#### **Responses**

##### ***Mayor's Office***

***September 30, 1997***

This recommendation has been implemented. In the Spring of 1996 Superintendent Rojas established the Department of Business and Community Development (BCD). The BCD department is responsible for intergovernmental relations which includes outreach to local community and civic organizations and businesses. For example, some projects are as follows:

- The Bayview Hunters Point community BCD is working with the San Francisco 49ers Foundation to design and implement a new neighborhood middle school that will be named the "49er Leadership Academy."
- BCD is actively involved in the Beacon Centers, which builds the capacity of San Francisco's neighborhoods to promote the healthy development of its children and youth. Activities include tutoring, computer classes, career development, youth

leadership, recreation and arts. Parent and adult activities include language classes, parent education, family counseling, etc.

- BCD has implemented a school-site based management strategy that includes parents, students, teachers, employers, and community based organizations in the management and development of the district's school-to-career programs.

***San Francisco Unified School District/Board of Education***

***May 6, 1998***

This recommendation has been implemented. In the spring of 1996 Superintendent Rojas established the Department of Business and Community Development (BCD). The BCD department is responsible for intergovernmental relations which includes outreach to local communities, businesses and civic organizations. The Department is currently working on a number of projects that outleap the resources of the total school community in meeting the needs of students.

- In the Bayview Hunters Point community BCD is working with the San Francisco 49er Foundation to involve community residents, city departments, community based organizations and school district staff in the design and implementation of a new neighborhood middle school. The collaborative has named the school the "49er Leadership Academy."
- BCD has implemented a school site based management strategy that includes parents, students, teachers, employers, and community based organizations in the management and development of the district's school-to-career programs.
- The Academic Supportive Collaborative (ASC) is a management system for site-based implementation of school-to-career activities. The ASC is designed to provide all students with a school-to-career experience that combines the challenges, rigor, and high expectations of a quality curriculum with a comprehensive academic and social support system.
- The BCD is actively involved in the Beacon Centers. The Beacon Centers serve to build the capacity of San Francisco neighborhoods to promote the healthy development of its children and youth. Activities and services include academic support (homework, tutoring, computer classes, career development), youth leadership, recreation, and arts. Activities also are provided for parents and adult community persons (language classes, parent education, family counseling, computer classes, etc.).



***Superintendent of Schools***

***May 26, 1998***

**District Progress Status:**

- Businesses, local government, community-based organizations and academic partnerships join together to provide real-world learning for San Francisco's students.
- Thousands of internships and other employment opportunities are available to students through academies and other special programs in areas such as finance, biotechnology, law, travel, health, city government, technology, journalism and graphic arts.
- In collaboration with the Bar Association of San Francisco, we launched at Mission High School the nation's first-ever high school law academy, which integrates academics and work experience.
- Students work in city government. The City Hall Page Programs gives students the opportunity to provide information and translation services to the public and work with the Board of Supervisors on legislative matters. Youth Works gives nearly 300 students the opportunity to have paid internships in various government departments.

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**Finding: Consent Decree Requirements Should Be Reexamined**

The Consent Decree of 1983 is known to few San Franciscans and understood by even fewer. It is past time that the Decree's fundamental premises were exposed to public view and its postulates re-examined. Expert opinion has found that it has failed in its goal of achieving academic excellence in San Francisco Schools for all students and ethnic groups.

**Responses**

***San Francisco Unified School District Board of Education***

***May 6, 1998***

The District's comprehensive response is cited in Discover the San Francisco Unified School District, Discovery 1 - Rigorous Curriculum, Discovery 2 - Closing the Achievement Gap, Discovery 3 - Accountability and Results, and Discovery 4 Public School Choice. The District disagrees wholly with the finding. The fundamental premise of the Consent Decree has been consistent since 1983. The two primary goals of the Consent Decree: 1) the full desegregation of schools, programs, and classes, and

2) increased academic achievement districtwide are publicly promoted via the District goals and values. As cited in the research-based State of California Consent Decree Monitor's Report, September 29, 1997, page 1 "The most important trend to emerge from our research is the evidence of positive growth and change - consistent with Consent Decree goals over the past five years."

#### **Recommendation 4: Appoint Committee to Conduct Public Hearings**

The Grand Jury recommends that the Mayor, in conjunction with the District, appoint a Committee of Concerned Citizens/(Adults Worried About Kids Education (AWAKE))/ to study and conduct public hearings on the condition of education in the public schools with particular emphasis on making whatever changes in the Consent Decree which may be required to achieve its original goal of offering the finest education to every student which any city can provide.

##### **Responses**

###### ***Mayor's Office***

***September 30, 1997***

This program has been implemented. The School District has focused desegregation funds to achieve growth district wide evident by:

- The independent review of the Consent Decree by the State of California Monitor - Report No. 14 (to be filed with U.S. District Court, September 1997).
- The Annual Report to the U.S. District Court, Northern District of California.
- Report to California State Legislature of Funding for Court-Ordered Desegregation and Voluntary Desegregation in the San Francisco Unified School District.

###### ***San Francisco Unified School District/Board of Education***

***May 6, 1998***

This recommendation has been implemented. In fact, the Consent Decree program is under strict scrutiny in the use of desegregation funds provided by the State of California. The following documents are available to the public:

- An Annual Report is submitted to the U. S. District Court, Northern District of California by the local defendants (San Francisco Unified School District) on its performance of its responsibilities under each paragraph of the Consent Decree. Last report filed August 1997.

- An independent review of the Consent Decree by the California State Department of Education Monitor is submitted to the Court annually. Last report filed September 1997.
- The State Controller's office conducts an annual audit of all Consent Decree expenditures, and compiles a final report to the California Department of Education. Last report filed October 1997.
- The State Legislature requires a funding report to be submitted annually on the use of funds for desegregation programs. Last report filed February 1997. Subsequent report filed February 1998.

The recent public hearings on Attendance Zone Changes and the African American Community Education Partnership Summit are examples of on-going public dialogue and input into the improvement of the educational opportunities for all students.

### ***Superintendent of Schools***

***May 26, 1998***

#### **District Progress Status:**

- A historic African American Summit, held November 14-16, 1997, brought together hundreds of educators, community members and business and church leaders with numerous national experts to develop strategies and techniques to significantly increase the math and reading performance of San Francisco's African American children. Superintendent Rojas has given the charge to the Task Force on African American Student Achievement to prioritize and design the framework to implement the recommendations of the Summit.
- In April 1998, the third Parent Empowerment Conference was held to hear from parents, community and national leaders on the condition of education in the District and to focus on workable solutions.
- On May 16, 1998, The Latino Educational Issues Briefing, a community partnership, was held to develop strategies and the vision for creating high academic achievement for targeted Latino students across the District. A follow-up conference is being planned for Fall 1998.
- Although standardized test scores in reading and mathematics for African American and Latino students have improved over the past five years, the District's top priority is to raise the reading and math achievement level of African American students, Latino students, and those who are English Language Learners to the national average by 1999.

## **General Responses**

### ***Office of the City Attorney***

***May 29, 1998***

Implementation of the Grand Jury's recommendations with respect to the San Francisco Unified School District are policy matters. As these recommendations do not involve legal issues, our office has no further information. However, where these departments encounter legal issues in implementing the Grand Jury's recommendations, this office provides advice in response to departmental inquiries.

### ***Superintendent of Schools***

***August 13, 1997***

The San Francisco Unified School District unequivocally and categorically disagrees wholly with the finding that the Consent decree "has been a failure in its goal of providing system wide educational success among its students."

We recognize the fact that while the District has demonstrated significant academic growth across all ethnic groups since 1993, the need to continue to provide support to low-achieving students is evident. (See CTBS Gains 1997 Report). We submit as evidence the following reports that factually and accurately demonstrate the District's direction in focusing desegregation funds to achieve academic growth district wide.

1. The independent review of the Consent Decree by the State of California Monitor - Report No. 14. (To be filed with U.S. District Court, September, 1997).
2. The Annual Report to the U.S. District Court, Northern District of California.
3. Report to California State Legislature of Funding for Court-Ordered Desegregation and Voluntary Desegregation in the San Francisco Unified School District.

As cited in the research-based State of California Consent Decree Monitor's Report, Page 1, "The most important trend to emerge from our research is the evidence of positive growth and change - consistent with Consent Decree goals over the past five years."



## **Chapter 2**

### **Juvenile Justice System**

#### **Background**

The 1996-1997 Civil Grand Jury (CGJ) investigated the administration of juvenile justice in the City and County of San Francisco. The Juvenile Probation Department (JPD) is primarily responsible for the administration of the juvenile justice system under the direction and supervision of the Juvenile Probation Commission (JPC), the Juvenile Justice Commission (JJC), and the Superior Court.

#### **Results**

The Civil Grand Jury made 24 recommendations and required responses from the following:

Mayor  
Board of Supervisors  
Juvenile Probation Department  
Juvenile Probation Commission  
Juvenile Justice Commission  
San Francisco Unified School District  
Superior Court  
Department of Public Health  
Police Department  
District Attorney  
Public Defender

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#### **Youth Guidance Center Facility**

#### **Finding: Youth Guidance Center Serves No Constructive Purpose**

In its current condition, the Youth Guidance Center (YGC) serves no constructive purpose other than providing four walls and a roof and counselors, who spend much of their time as guards to maintain order.

## **Responses**

### ***Mayor's Office***

***September 30, 1997***

I disagree in part with the finding. In addition to housing juvenile detainees, there are a number of programs for youth that operate out of YGC.

### ***San Francisco Unified School District***

***May 18, 1998***

SFUSD does provide teachers for instruction while the students are at YGC. Some of the students may not have had much of any instruction because of their truancy.

## **Recommendation 1: New Center Needed**

The City should renovate a City property for use as a youth guidance center, purchase a building for use as a youth guidance center, or build a new youth guidance center. A new youth guidance center should take priority over acquisition or construction of any other City facility.

## **Responses**

### ***Mayor's Office***

***September 30, 1997***

A new YGC is a priority for the City. The City has contracted with the Delancey Street Foundation to develop a new comprehensive plan for juvenile justice. As deplorable as the situation at YGC may be, it is not feasible to continue to throw money at the smaller problems - as in putting a bandage on a severed artery. It was first necessary to design a new juvenile justice system, which we have done, before determining what a new or redesigned juvenile hall would look like. We are in the implementation phase, which will last three years, of our juvenile plan. It is not our intention to wait three years before doing something about YGC. Each of the six pilot programs are off site so we will not have to send all kids to YGC. We will begin to look more closely about what to do about YGC after the first of the year.

### ***Juvenile Probation Department***

***September 12, 1997***

The Department believes that the current building, both the administrative offices and the Juvenile Hall, needs replacement. The Department has worked with the Department of Public Works over the past few years to correct many of the building problems.

Approximately eight million dollars has been spent in the past seven years on renovation and repairs done at the request of the Department.

***Juvenile Probation Department***

***June 12, 1998***

The Department believes that the Youth Guidance Center facility needs replacement. As such, we will soon be exploring financing options for a new facility, as well as doing the necessary coordination with the Mayor's Office and system stakeholders to establish consensus about the location and capacity of a new facility.

***San Francisco Unified School District***

***May 18, 1998***

While it is SFUSD's responsibility to provide for the youth's education, it would appear that the current living facilities do not promote optimum learning. Safe, secure, and reasonably comfortable accommodations such as immediately accessible toilets would lessen student anxieties.

Students are assigned to cottages not based on their educational needs, but based on space available, gender, and the type of crime for which the youth has committed. Consequently, students are not grouped for instruction based on grade level or instructional needs as students do not leave their cottage group area. If renovation or the building of new facilities were to be considered, it is important that classrooms be built as part of the overall structure and that students be permitted to travel to the appropriate classrooms for instructional purposes.

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**Finding: YGC Physical Facility Is Unacceptable**

The physical facility at the YGC is unfit to house our City's children. This facility would be unacceptable in any jurisdiction, but it is particularly shameful in a community such as San Francisco which prides itself on being progressive and humane.

**Responses**

***Mayor's Office***

***September 30, 1997***

I disagree in part that YGC "is unfit to house our City's children." It is clear that YGC is a less than ideal setting, but it is not unfit.

***San Francisco Unified School District***

***May 18, 1998***

SFUSD agrees.

**Recommendation 2: Officials Should Tour YGC**

The Mayor, each member of the Board of Supervisors, and the Judges of the Superior Court should tour the YGC at once to observe the conditions for themselves.

**Responses**

***Mayor's Office***

***September 30, 1997***

The Mayor has already been out to YGC as has the staff of MCJC.

***Juvenile Probation Department***

***September 12, 1997***

The Department is willing to have any City official tour the building at any time.

***Juvenile Probation Department***

***June 12, 1998***

City officials have in the past and continue to be welcome to tour our facilities by appointment.

---

**Finding: Conditions at YGC Does Not Meet JPD's Stated Purpose**

The YGC does not come close to meeting the JPD's own stated purpose of providing "a safe, secure, humane environment where the juvenile's physical, emotional, religious, educational, treatment and social needs are taken care of."

**Responses**

***Mayor's Office***

***September 30, 1997***

I agree with this finding.

***Juvenile Probation Commission***

***May 5, 1998***

The primary responsibility for the "administration of the juvenile justice system" has, and continues to be vested in the Superior Court and not the Department. The Department is responsible for ensuring that the rehabilitative conditions set forth by the Court are carried out by juveniles and for reporting on their progress. The Juvenile Justice Commission, appointed by the Court, functions as a watchdog, much like the Grand Jury. It has neither direct or indirect management authority over the Department, as is intimated in the report.

***Juvenile Probation Department***

***September 12, 1997***

The quote as to the purpose of the Juvenile Probation Department is from a MOU regarding Juvenile Hall and its interaction with the Health Department's Special Programs for Youth. This purpose, does not reflect the purpose of the Probation Department as a whole but only one section of the Department and only in relationship to one agency.

***San Francisco Unified School District***

***May 18, 1998***

Of this broad array of human needs, SFUSD can fairly comment only on the educational elements.

**Recommendation 3: Media Should Be Made Aware of YGC Conditions**

The City should invite all interested television stations, radio stations, and print media to tour and film the YGC so that the public can be made aware of the conditions at the YGC.

**Responses**

***Mayor's Office***

***September 30, 1997***

The media has also been out to YGC on numerous occasions. There have been a number of stories about the conditions at YGC in both the daily papers as well as in some of the weekly publications.

***Juvenile Probation Department***

***September 12, 1997***

The Department is willing to provide such tours with the understanding that mandated confidential rules be observed.

***Juvenile Probation Department***

***June 12, 1998***

The Department has in the past and continues to provide tours to the media by appointment.

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**Finding: Physical Conditions at YGC Are Worse Than Jail # 3**

The CGJ notes that, for many years, various City officials and others have complained about the conditions at County Jail No. 3 in San Bruno, which houses adult prisoners after they are found guilty of crimes and are sentenced by the court. In contrast, the YGC houses minors, some of whom have not been charged with any crimes and almost none of whom have been adjudicated to have committed any criminal activity. There has been and continues to be much outcry that County Jail No. 3 should be replaced with a more modern facility. The physical conditions at the YGC are in many respects worse than those at County Jail No. 3.

**Responses**

***Mayor's Office***

***September 30, 1997***

I disagree in part with this finding. County Jail 3 is not just for adults who have been sentenced. There are a large number of pre-trial prisoners there as well.

***Juvenile Probation Department***

***September 12, 1997***

Juvenile Hall only houses those youths who are alleged to have committed a law violation or are found to have committed a law violation. Youths who are alleged to be status offenders (runaways, beyond parental control, truants) are never in Juvenile Hall. These cases are referred to Huckleberry Youth Programs, an agency with whom the Department contracts for these services. Children who have no safe home are handled through the Department of Human Services as neglected or abused.



***San Francisco Unified School District***

***May 18, 1998***

SFUSD has no basis upon which to compare the two facilities.

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**Finding: YGC Is Unsafe**

The YGC is unsafe:

- There is no central locking and unlocking mechanisms to control the individual cells;
- There is no sprinkler system operative in the individual cells;
- There are not smoke detectors inside the individual cells.

In the event of a fire or major emergency, it is highly likely that some youth could be trapped in their cells, as the counselors may not be able to reach each individual cell to unlock them and let the youth out. In the event of a fire or major emergency, there would be a catastrophic and unnecessary loss of the lives of young people.

**Responses**

***Mayor's Office***

***September 30, 1997***

This finding is more appropriately addressed by the Juvenile Probation Department, although it is my understanding that a number of the concerns listed have already been addressed. For example, it is my understanding that there are smoke detectors at YGC.

***Juvenile Justice Commission***

***June 18, 1998***

The Juvenile Justice Commission acknowledges "There is no central locking and unlocking mechanisms. No sprinkler system operative in the individual cells and no smoke detectors inside the individual cells". The JJC agrees safety is the priority for the detainees and at Juvenile Hall located at Youth Guidance Center and believes precautions are in place to ensure both detainees and staff are safe.

Although Youth Guidance Center is antiquated, it is in compliance with the building safety according to Title 15 and 24 California Code of Regulations. Minimum standards for Juvenile Facilities (May 1997). The Title 15 and 24 are guidelines set forth by the State of California Board of Corrections. According to Section 1325 Fire Safety Plan of Title 15 and 24 California Code of Regulations, the facility must have "a fire prevention plan, including monthly fire and life safety inspections, annual fire

inspections, evacuation plans, written plans for the emergency housing of minors in the case fire and development of a fire suppression pre-plan in cooperation with the local fire department". Additionally, there are smoke detectors in each room where detainees are housed. Youth Guidance Center is also in compliance with the fire regulations. The Juvenile Justice Commission performs an annual inspection of Youth Guidance Center. An annual inspection was conducted by members of the Juvenile Justice Commission both in 1997 and 1998. The 1998 inspection was recently completed and a report revealing the Commissions' findings is pending.

***Juvenile Probation Commission***

***May 5, 1998***

The Youth Guidance Center (YGC) has consistently been found to be in compliance with the building and safety standards promulgated by the San Francisco Fire Marshall and the California Board of Corrections. It should be noted that the YGC survived the devastating 1989 Loma-Prieta earthquake. Said earthquake was arguably a "major emergency" and we are happy to report that not one life, young or old, was lost at YGC. Mayor Brown has begun juvenile justice reform in San Francisco from top-to-bottom and bottom-to-top, inside-out and outside-in, which will hopefully include a new facility.

***Juvenile Probation Department***

***September 12, 1997***

There is a smoke detector in each housing room. These were installed approximately four years ago.

***San Francisco Unified School District***

***May 18, 1998***

SFUSD is aware of only some of the deficiencies in YGC's physical plant.

**Recommendation 4: Improve Conditions at YGC**

The CGJ recognizes that a new youth guidance center cannot be acquired or built immediately. However, since the present situation is unacceptable, the CGJ recommends that the City immediately expedite measures to improve the health, safety, and welfare of our incarcerated youth at the YGC, particularly in response to fire safety issues. Some possible remedies are:

- Purchase and install a central locking/unlocking mechanism for each individual cell.



- Install smoke detectors in each cell so that counselors in the central area of each unit will be able to detect a fire breaking out in an individual cell.
- Install a sprinkler system in the hallways, common areas, and each individual cell.
- Given the fire safety hazard, increase the number of counselors in each locked unit so that the doors on each of the individual cells can remain unlocked at all times for safety purposes.

Each of these remedies comes with a cost, either for equipment or personnel or both. This additional cost is worthwhile when compared to the carnage that would result from a major fire or emergency where the youth could not be evacuated from their cells. The City cannot maintain the status quo while debating whether to acquire or build a new facility or during the construction or acquisition process of a new facility.

## **Responses**

### ***Mayor's Office***

***September 30, 1997***

This recommendation is more appropriately addressed by the Juvenile Probation Department.

### ***Juvenile Probation Department***

***September 12, 1997***

Install a central locking system. The estimate for the cost of installing an electronic door system for the housing units is \$540,000. This has been an item included in capital improvement projects in the past, however, sufficient funds have not been available

Install smoke detectors in each cell. This was done approximately four years ago. Each housing room has a smoke detector.

Install a sprinkler system in the hallway. The current smoke detector and alarm system, which goes on-line to the Fire Department, meets the requirements of the State Fire Marshall's Office.

Increase the number of counselors so that all doors remain unlocked. This is probably not a fiscally sound move, nor would it meet safety and security measures.

***Juvenile Probation Department***

***June 12, 1998***

Install a central locking system - This project is included in our proposed Capital Improvement Project budget for FY 1998/99.

Install smoke detectors in each cell - this was done several years ago, and were in place at the time of the Grand Jury's review.

Install a sprinkler system in the hallway - The current smoke detector and alarm system, which is on-line to the Fire Department, meets the requirements of the State Fire Marshall's Office.

Increase the number of counselors so that all doors remain unlocked - The Department does not believe that this recommendation is fiscally sound nor would it provide for adequate safety and security measures. Please note, however, that the Department has filled all existing vacant counselor positions.

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**Finding: YGC Needs Painting**

The physical plant at the YGC is dark, dreary, and depressing. The atmosphere is so oppressive that it has a negative impact on the emotional state of youth and staff.

**Responses**

***Mayor's Office***

***September 30, 1997***

I agree with this finding.

***San Francisco Unified School District***

***May 18, 1998***

SFUSD staff who teach at YGC would generally agree.

**Recommendation 5: Paint Interior of YGC**

The interior of the YGC should be painted at once, in appropriate colors, in order to make the facility less dreary.

## Responses

### *Mayor's Office*

*September 30, 1997*

Painting YGC in "appropriate colors" is not a top priority for the City in terms of remedying that which is a problem at YGC.

### *Juvenile Probation Department*

*September 12, 1997*

The estimated cost for painting the interior of Juvenile Hall is \$85,000 and the estimate for the interior of the Administration Building is \$100,000. Both projects would need to be approved through the City's capital improvement budget. The interior of the housing units has been repainted within the past eighteen months. Buildings with this much usage could probably be on a constant painting schedule. Currently the more immediate painting priorities would be the remainder of the outside of the building and the interior of the administration building.

### *Juvenile Probation Department*

*June 12, 1998*

The Department is in the process of working with a painter's union to acquire volunteer labor and donated paint to paint the YGC building interior.

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## Housing for Girls

### **Finding: Insufficient Housing for Girls at YGC**

There is insufficient housing for girls at the YGC.

## Responses

### *Mayor's Office*

*September 30, 1997*

I agree with this finding.

***San Francisco Unified School District  
May 18, 1998***

SFUSD does not know to what extent housing is needed for girls.

**Recommendation 6: Find Proper Housing for Girls**

The JPD must immediately find a location to properly house the girls involved with the juvenile justice system.

**Responses**

***Mayor's Office  
September 30, 1997***

San Francisco's Comprehensive Juvenile Justice Plan identifies Hidden Valley Ranch as a facility that will house a residential facility for girls in the juvenile justice system.

***Juvenile Probation Department  
September 12, 1997***

The housing units within Juvenile Hall have recently been reconfigured to allow for separation of the more sophisticated girls from those who are less sophisticated. There is now a coed unit in addition to the girls' unit, allowing for flexibility in the use of rooms and preventing as much overcrowding for girls.

***Juvenile Probation Department  
June 12, 1998***

The Department recently established contract services for a new program, which provides alternatives to detention and out-of-home-placement for girls. Services include (1) a needs assessment of each girl and development of an individual treatment and release plan and (2) intensive supervision and case management of each girl once they are released from detention

***San Francisco Unified School District  
May 18, 1998***

It is true that the girls occupy only one of the 6 cottages at YGC. It is also a fact that San Francisco does not have a female version of Log Cabin. If there is a need for additional facilities, Hidden Valley is currently unoccupied.

**Finding: Hidden Valley Ranch Is Unused City Facility**

The City owns Hidden Valley Ranch near La Honda in San Mateo County. This facility is currently unused, except for a few minor functions by Log Cabin Ranch, and is well suited to housing girls who currently reside at the YGC. While the facility requires some relatively minor maintenance and updating, it could be made ready to house the girls in short order.

**Responses**

***Mayor's Office***

***September 30, 1997***

I agree with this finding.

***Juvenile Probation Commission***

***May 5, 1998***

The issue of housing girls is very important. However, the Grand Jury's obsession with Hidden Valley Ranch (HVR) as a placement for girls must be addressed. The cost to bring HVR in compliance with building and safety standards to house girls is far from "minor" and certainly could not be completed in "short order." Chief Jesse Williams and his staff could provide the Grand Jury with the "millions of dollars" price tag estimated by the City's Department of Public Works to make the necessary "safety" improvements. For your information, the Department is presently engaged in identifying systematic gaps in the delivery of rehabilitative services to girls. Next, the Department, in collaboration with other City departments and community members and agencies, will develop an action plan to remediate identified service gaps.

***San Francisco Unified School District***

***May 18, 1998***

If facilities are needed to house girls, SFUSD agrees with this finding.

**Recommendation 7: Use Hidden Valley Ranch to House Girls**

The CGJ recommends that Hidden Valley Ranch be made into a facility to house girls in the juvenile justice system.

## **Responses**

### ***Mayor's Office***

***September 30, 1997***

San Francisco's Comprehensive Juvenile Justice Plan identifies Hidden Valley Ranch as a facility that will house a residential facility for girls in the juvenile justice system.

### ***Juvenile Probation Department***

***September 12, 1997***

This is one of the recommendations of the Juvenile Justice Plan (referred to in the CGJ report as the Delancey Street Report). This option will be discussed during the planning stages of implementing items in the Juvenile Justice Plan. This is a plan that was discussed within the Department prior to the Delancey Street recommendation and much of the planning has already started.

### ***Juvenile Probation Department***

***June 12, 1998***

The Department investigated the possibility of using Hidden Valley Ranch as a facility for girls. We learned that it would require approximately 3 million dollars to bring the facility up to applicable building codes. As such, the use of this facility for girls is not an option at this time.

### ***San Francisco Unified School District***

***May 18, 1998***

See response to recommendation #6

### ***Public Defender***

***April 10, 1998***

Like Log Cabin, Hidden Valley Ranch is located far from San Francisco. In that location the juvenile would be isolated from the city, and travel would be long and hard for their families. Moreover, Log Cabin has very few programs for youth and it is not clear that Hidden Valley would have any more.

## **Recommendation 8: Investigate Use of Hidden Valley Ranch by Other Counties**

The CGJ recommends that the JPD investigate a possible arrangement with the surrounding counties to house those counties' girls at Hidden Valley Ranch thereby sharing the expense.



## **Responses**

### ***Mayor's Office***

***September 30, 1997***

This has been done. Part of the Juvenile Justice Plan that was funded by the state contemplated that approximately 20 of the 50 beds that will be at Hidden Valley will be made available to girls from surrounding counties. A number of counties have already expressed interest in this.

### ***Juvenile Probation Department***

***September 12, 1997***

This was part of the discussion referred to in our response to recommendation #7. Other counties have previously indicated their willingness to participate in such a program.

### ***Juvenile Probation Department***

***June 12, 1998***

See response to recommendation #7

### ***San Francisco Unified School District***

***May 18, 1998***

See response to recommendation #6

## **Recommendation 9: Use Hidden Valley Ranch for Pre and Post Adjudication Girls**

The CGJ recommends that the JPD investigate the possibility of using Hidden Valley Ranch to house not only those girls held pre-adjudication, but also those girls whose cases have been adjudicated. Housing these girls closer to home would encourage more family involvement, save the expense of housing the girls in distant locations, save travel costs of JPD personnel to travel to these sites, and provide more opportunity for community groups in reintroducing the girls to the community after release.

## **Responses**

### ***Mayor's Office***

***September 30, 1997***

It is contemplated that Hidden Valley will be a residential facility for post adjudicated girls.

***Juvenile Probation Department***

***September 12, 1997***

The likelihood of utilizing the facility for pre-adjudication youth is slim. There are many problems regarding transportation for Court, access for attorneys and others. The mixing of pre and post adjudication youth is problematic under the codes specifying each type of facility. Again, this will be discussed as a part of the Juvenile Justice Plan.

***Juvenile Probation Department***

***June 12, 1998***

See response to recommendation #7

***San Francisco Unified School District***

***May 18, 1998***

See response to recommendation #6

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**Care of Youth While in Custody of  
Juvenile Probation Department and After Release**

**Finding: Insufficient Programs for Youths**

There are insufficient programs in place to assist the youth in the custody of the juvenile justice system.

**Responses**

***Mayor's Office***

***September 30, 1997***

I agree with this finding.

***San Francisco Unified School District***

***May 18, 1998***

SFUSD is unaware of all of the programs which are available.



## **Recommendation 10: Formulate Effective Programs**

In accordance with its stated philosophy to "promote[] the belief that youth should be offered every opportunity for rehabilitation and growth... [and] endeavor to provide the youth in our charge with the tools to succeed by teaching life skills and providing educational, vocational and emotional support," the Juvenile Probation Department -- coordinating with other responsible City departments and agencies, with community groups and, wherever possible, with the families of the youth -- should formulate effective programs to care for youth both while in custody and after release.

### **Responses**

#### ***Mayor's Office***

***September 30, 1997***

In the City's new Juvenile Justice Plan, there are six new pilot projects, including the Life Learning Day Treatment Center which will provide "one stop shopping" for youth. There will be a multitude of services available including, but not limited to, educational, vocational and counseling services.

#### ***Department of Public Health***

***October 17, 1997***

DPH agrees that while in custody, youth should be given the information, training, and tools necessary to alter their behavior once they are released from Juvenile Hall.

#### ***Department of Public Health***

***June 8, 1998***

See response to recommendation #11

#### ***Juvenile Probation Department***

***September 12, 1997***

The Department provides educational and counseling programs to youth while they are in Juvenile Hall. Probation Officers formulate plans for youth and their families both for those who are not in custody and those who have been in custody.

***Juvenile Probation Department***

***June 12, 1998***

The Department currently provides a variety of educational, counseling and life skills programs to youth while they are custody. Probation Officers formulate plans for youth and their families both for those youth that are not in custody as well as those that are in custody. The Department is in the process of developing and implementing a strategy for expanding community-based preventive programs for youths, their families and the community, which will be funded through new Temporary Assistance to Needy Families (TANF) funds. Preventive programs will include but not be restricted to new and enhanced services for girls, youth employment and job training programs, counseling programs and family advocacy and parent support programs.

***San Francisco Unified School District***

***May 18, 1998***

See response to recommendation #11

**Recommendation 11: Program Areas to Be Provided**

While the youth are incarcerated under the control of the City, programs should be instituted (or, where they currently exist, expanded), to provide them with training and counseling in at least the following areas:

- a) Drug counseling, including peer counseling;
- b) Sex education and family issues;
- c) Practical life skills;
- d) Appropriate educational programs, including vocational training or GED where appropriate;
- e) Skills in how to find and keep a job.

**Responses**

***Mayor's Office***

***September 30, 1997***

This will be done through the Life Learning Day Treatment Center.

***Department of Public Health***

***October 17, 1997***

DPH agrees that while in custody, youth should be given the information, training, and tools necessary to alter their behavior once they are released from Juvenile Hall.

This year, recognizing one substance abuse counselor at Log Cabin Ranch was not sufficient, DPH funded an additional position. The Department is also a member of the newly formed Juvenile Justice Coordinating Council.

This multi-agency council is grant funded and will look at systemic approaches to responding to the many needs of youth in the juvenile justice system.

***Department of Public Health***

***June 8, 1998***

DPH increased substance abuse counselors at Log Cabin Ranch from 1 - 2 counselors. The Department also participated on the Juvenile Justice Coordinating Council. This multi-agency grant funded council developed a pilot juvenile intake system out of the Golden Gate YMCA

This multi-agency council is grant funded and will look at systemic approaches to responding to the many needs of youth in the juvenile justice system.

***Juvenile Probation Department***

***September 12, 1997***

Items a to e are offered at Log Cabin Ranch, the Department's long term post-dispositional program. Items a, b, c are offered through Juvenile Hall. The vocational component can not appropriately be dealt with for youth who are only here for a brief period. Instead, our vocational program staff alert the youth in Juvenile Hall to the existence of their program and how to access it.

***Juvenile Probation Department***

***June 12, 1998***

See response to recommendation #10

***San Francisco Unified School District***

***May 18, 1998***

SFUSD has included in its delivery of services, most of Recommendation #11. Many students have taken and passed their GED exams. Vocational training is also offered at Woodside and Log Cabin by agency staff. JPD has recently instituted a program to involve the counseling of students prior to their release from Log Cabin. Procedures are in place for the probation officers to request a school placement for their students prior to their release date. Depending on the efficiency of the individual probation officers, they can secure school placements for their charges weeks prior to their release.

Schools still do not necessarily know which students have probation officers as not all probation officers and their charges share this information with the schools. Some probation officers are not aware of the fact that their charges are not attending schools.

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### **Finding: Insufficient Follow Up Programs**

There are insufficient programs in place to follow up with youth once they are released from the juvenile justice system.

#### **Responses**

##### ***Mayor's Office***

***September 30, 1997***

I agree with this finding.

##### ***San Francisco Unified School District***

***May 18, 1998***

SFUSD agrees that there are no communications in place for the schools to know which students have probation officers unless the probation officers call or the students inform SFUSD. However, SFUSD and JPD will plan to have rosters available for Fall '98.

### **Recommendation 12: Adopt After-Care Program**

An "after-care" program must be adopted for youth when they are released from the juvenile justice system that encompasses at least the following concerns:

- a) Returning to school or entering alternative programs to complete his or her education.
- b) Counseling and job training;
- c) Finding and keeping a job, either after school or full-time;
- d) Emotional health and life skills;
- e) Parenting skills where necessary;
- f) Drug counseling where necessary;
- g) Family and peer interaction.

## Responses

### ***Mayor's Office***

***September 30, 1997***

In addition to programs for youth who are not yet adjudicated, the Life Learning Day Treatment Center will provide after-care services.

### ***Department of Public Health***

***October 17, 1997***

The Department of Public Health agrees that a residential after-care facility could be beneficial for many young people who may need a "time-out" from their life at home or in their old neighborhood. The Department would be happy to work with the lead agency, the Juvenile Probation Department in developing strategies for such a facility.

### ***Department of Public Health***

***June 8, 1998***

The Department of Public Health agreed that a residential after-care facility could be beneficial for many young people who need a "time-out" from their life at home or in their old neighborhood. The Department would be happy to work with the lead agency, the Juvenile Probation Department, in developing strategies for such a facility.

### ***Juvenile Probation Department***

***September 12, 1997***

When youths actually leave the juvenile justice system, the Department has no hold over the youths and can only make suggestions to the youth and their families. This does occur. If what is meant is that these services be provided to youth when they leave Juvenile Hall, the Probation Officer does this when feasible.

### ***Juvenile Probation Department***

***June 12, 1998***

See response to recommendation #10. Additionally, the Department has recently established contract services for an aftercare program for clients housed at Log Cabin Ranch.

### ***San Francisco Unified School District***

***May 18, 1998***

See response to recommendation #11



### **Recommendation 13: Regularly Monitor Programs**

The JPD must diligently and regularly monitor all of these activities and programs -- both while the youth are in custody and after release -- and develop objective criteria to determine whether the programs are succeeding and, if not, to replace them with better programs.

#### **Responses**

##### ***Mayor's Office***

***September 30, 1997***

There is a strong evaluation component to our juvenile justice plan to enable the City to determine which programs works and which do not.

##### ***Juvenile Probation Department***

***September 12, 1997***

The Department has recently signed a contract with Davis Ja & Associates to do an evaluation of the agencies with whom the Department contracts for intensive home supervision services. Monitoring on all contracts does occur and hopefully in the future the evaluation can occur for all programs.

##### ***Juvenile Probation Department***

***June 12, 1998***

The Department is requesting a contract compliance officer in its FY 1998/99 budget to strengthen our efforts to monitor and evaluate community-based programs. Additionally, an audit of half of our community based contractors was recently completed by a private consultant, Davis Ja and Associates. The balance of the community-based programs will be audited in FY 1998/99. The Department is also planning to install the Program Development and Evaluation System (PRODES), an outcome evaluation system, in FY 1998/99 to enhance our program evaluation capability.

##### ***San Francisco Unified School District***

***May 18, 1998***

See response to recommendation #11



## **Grant Money**

### **Finding: No Regular Mechanism for Applying for Grants**

The City has no regular mechanism or system for applying for state and federal grants, grants from public and private foundations or trusts, and other sources for programs designed to help youth at risk or who may be involved in the juvenile justice system.

#### **Responses**

##### ***Mayor's Office***

***September 30, 1997***

I disagree with this finding. The Mayor's office operates an interdepartmental working group which advises departments of available federal grants. In addition, various divisions of my office keep abreast of state, federal and private funding opportunities available in their subject area. For example, my office was extremely successful in being awarded \$5.4 million from the state for the implementation of our juvenile justice plan.

##### ***San Francisco Unified School District***

***May 18, 1998***

SFUSD has no knowledge of this issue.

### **Recommendation 14: Hire Full Time Grant Development Officer**

The CGJ recommends that the JPD hire or retain, on a full-time basis, an individual with background and training in development and fund raising, and particularly with skills in the search and application for grants.

#### **Responses**

##### ***Mayor's Office***

***September 30, 1997***

This recommendation is more appropriately addressed by the Juvenile Probation Department. However, with the juvenile plan, the Mayor's office and the implementation team is going after a myriad of funding sources and we would not want to duplicate effort or be at cross purposes

***Juvenile Probation Department***

***September 12, 1997***

In order to hire new people, the Department must add the position to the budget in the budget process for the next fiscal year. The Department is hoping to fill all of its vacant positions that would allow for training our staff to do some of these tasks. For the past few years, the Department has had a 10-15% overall vacancy rate effectively eliminating all possibility of doing anything more than the mandated functions.

***Juvenile Probation Department***

***June 12, 1998***

The Department's recently hired Senior Administrative Analyst is developing a strategy for identifying and accessing a minimum of one million dollars in additional revenues from grants, foundations, and other non-traditional funding sources.

***San Francisco Unified School District***

***May 18, 1998***

SFUSD has insufficient knowledge of this issue to comment on the recommendation.

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**Grievance Procedure**

**Finding: No Independent Review of Grievances**

There is no procedure by which an independent person reviews the complaints and grievances. The grievance procedure for the youth incarcerated within the juvenile justice system is such that the youth express concern over possible retaliation. The CGJ uncovered no evidence that any child was subject to retaliation for making a grievance. However, that potential may be sufficient to prevent a youth from filing a grievance, even though he or she may have a legitimate complaint.

**Responses**

***Mayor's Office***

***September 30, 1997***

I disagree with this finding. It is my understanding that there is someone who is acting in the capacity of an ombudsperson at YGC.

***Juvenile Justice Commission***

***June 18, 1998***

The Juvenile Justice Commission has been proactive in the development and implementation of grievance procedures at Juvenile Hall. In 1997 in conjunction with the San Francisco Sheriffs Department an Ombudsman position was created to address grievance issues faced by detainees. The creation of the Ombudsman position, the establishment of the grievance policy, procedures and training for the counseling staff at Juvenile Hall has been a collaborative effort between the S.F. Sheriffs Department and the Juvenile Justice Commission. Although the Ombudsman position was conceptualized by the JJC it was recently added to the Juvenile Probation Department 1998-99 fiscal budget.

***San Francisco Unified School District***

***May 18, 1998***

The school principal receives complaints regarding the teaching staff and investigates to determine what action should be taken. SFUSD has insufficient knowledge to comment on the grievance procedure for the youth incarcerated within the juvenile justice system.

**Recommendation 15: Appoint Ombudsperson**

The CGJ recommends the appointment of an ombudsperson to whom youth can turn with confidence to express grievances. We do not view this individual as an advocate for the youth, but rather a neutral party who can report the grievance to the appropriate party and then follow up to ensure it is resolved.

**Responses**

***Mayor's Office***

***September 30, 1997***

I believe that there is someone acting as an ombudsperson at YGC.

***Juvenile Probation Department***

***September 12, 1997***

This has been done. The ombudsperson is now in place.

***Juvenile Probation Department***

***June 12, 1998***

The Department has hired an Ombudsman to process client grievances. This staff person has been on board since of August of 1997.

***San Francisco Unified School District***

***May 18, 1998***

The school principal does accept grievances that pertain to the teachers. There is also a procedure for filing grievances with the staff who supervise the living quarters.

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**Coordination of Activities Among Responsible Departments,  
Commissions, and Agencies**

**Finding: Little Contact Between Juvenile Justice and Juvenile Probation  
Commissions**

The CGJ found that the JJC and the JPC have little, if any, contact with one another.

**Responses**

***Mayor's Office***

***September 30, 1997***

JPD and the Justice Commission are in a better position to address this finding.

***San Francisco Unified School District***

***May 18, 1998***

SFUSD has insufficient information to comment on this point.

**Recommendation 16: Juvenile Justice and Juvenile Probation Commissions Should  
Coordinate Activities**

The CGJ urges the JJC and the JPC to coordinate their activities, to pool their collective talents, and to work together toward the common goal of assisting youth at risk in our City.

## **Responses**

### ***Mayor's Office September 30, 1997***

While this recommendation is more appropriately addressed by the commissions, I agree that they should work together.

### ***Juvenile Justice Commission June 18, 1998***

The JJC acknowledges communication gaps existed between the Civil Grand Jury, The Juvenile Justice Commission and The Juvenile Probation Commission in the past. Nevertheless the JJC is amenable in participating and coordinating in any dialogue to establish communication between the agencies as it relates to youth at risk.

### ***Juvenile Probation Department September 12, 1997***

The Juvenile Probation Department would be happy to assist the two Commissions in any way possible.

### ***Juvenile Probation Department June 12, 1998***

A member of the Juvenile Probation Commission also serves as a member of the Juvenile Justice Commission and acts a liaison between the two Commissions.

### ***San Francisco Unified School District May 18, 1998***

Without direct involvement in the management of these agencies, SFUSD cannot comment.

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## **Finding: Communication Needed Between Departments**

While various departments sometimes cooperate in providing services for youth in the juvenile justice system, there is no formal horizontal communication between these departments, commissions, and the courts to ensure the protection of the interests of the youth.

## **Responses**

### ***Mayor's Office***

***September 30, 1997***

I disagree with this finding. The Mayor's Criminal Justice Council has a membership that includes, among others, all public safety department heads. In addition, there is the Juvenile Justice Oversight Committee, the body that is overseeing the - implementation of the Juvenile Justice Plan.

### ***San Francisco Unified School District***

***May 18, 1998***

See response to previous finding.

## **Recommendation 17: Juvenile Probation Department Should Provide Leadership**

The CGJ recommends that, since the JPD, under the guidance of the Chief Probation Officer, has the overall responsibility for the operation of the juvenile justice system, it must provide strong leadership, vision, and professionalism. The CGJ recommends that the JPD exercise its responsibilities with greater strength and vigor, using the "bully pulpit" when necessary to coordinate the services provided by various City departments and community-based organizations for the benefit of the City's youth.

## **Responses**

### ***Mayor's Office***

***September 30, 1997***

This is more appropriately addressed by the Juvenile Probation Department.

### ***Juvenile Probation Department***

***September 12, 1997***

A new Chief will be arriving at the beginning of October and will take on the job of leading the Department.



***Juvenile Probation Department***

***June 12, 1998***

The Department believes that under its current administration, it is currently exercising its responsibilities in a proactive and productive manner and will continue to do so in the future.

***San Francisco Unified School District***

***May 18, 1998***

Without direct involvement in the management of these agencies, SFUSD cannot comment.

**Recommendation 18: Juvenile Probation Department Should Coordinate Departments**

The CGJ recommends that the JPD fulfill its mission statement and coordinate the activities of all of the departments that have any responsibility for youth involved in the juvenile justice system. There must be a strong leader appointed with authority to coordinate the activities of all departments having obligations to provide services for our City's youth.

**Responses**

***Mayor's Office***

***September 30, 1997***

My office is working with all the departments involved in juvenile delinquency on the implementation of the Juvenile Justice Plan. There will be a new Chief Juvenile Probation Officer effective October 1, 1997 who will be instrumental in putting in place change at the Probation Department.

***Juvenile Probation Department***

***September 12, 1997***

Coordination of all services for children is one of the tenets behind the new Juvenile Justice Plan. The details of the plan are being worked on with input from a variety of people.

***Juvenile Probation Department***

***June 12, 1998***

The Department has strengthened and expanded communications with other City departments, other outside governmental and private agencies, and the community. A major part of this effort is in connection with our Department's role in the implementation of the Mayor's Juvenile Justice Action Plan and the Chief Probation Officer's role as Chair of the Juvenile Justice Coordinating Council.

***San Francisco Unified School District***

***May 18, 1998***

Without direct involvement in the management of these agencies, SFUSD cannot comment.

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**Education of Youth In The Juvenile Justice System**

**Finding: School District Inadequately Educates Youth at YGC and Log Cabin Ranch**

The San Francisco Unified School District does an inadequate job of educating youth incarcerated at the YGC and Log Cabin Ranch. The School District does not sufficiently assess the academic status of the youth who enter the juvenile justice system. The School District does not adequately consider the educational needs of the students involved with the juvenile justice system. There is inadequate transition out of the system. The JPD does not coordinate the education of the youth in its charge with other programs impacting the young people during their incarceration. While young people have a great deal of free time at the YGC and at Log Cabin Ranch, they are not assigned much, if any, homework and their access to reading materials is limited.

**Responses**

***Mayor's Office***

***September 30, 1997***

I agree that youth involved in the juvenile justice system receive inadequate education.

***San Francisco Unified School District***

***May 18, 1998***

SFUSD strongly disagrees with these findings except that it does acknowledge that there is inadequate transition out of the system. Although school placements are

assigned to the students through consultation between their probation officers and Pupil Services staff before the youth leave Log Cabin, SFUSD and JPD need to do a better job in ensuring that the regular school will receive the students without resentment. Thus students in 1998 will be developing their academic portfolios while they are at Log Cabin. The students will present samples of their work to their new counselors and teachers.

**Recommendation 19: School District and Juvenile Probation Department Should Adopt Model Educational Program**

The CGJ recommends that the San Francisco Unified School District, in coordination with the JPD, adopt an educational program such as that recommended by Jefferson Associates and Community Research Associates in March 1987 entitled "Creating a New Agenda for the Care and Treatment of San Francisco's Youthful Offenders: A Model Program." This education program would contain the following components:

- a) Functional assessment;
- b) Functional curriculum;
- c) Vocational education;
- d) Transition;
- e) Comprehensive systems;
- f) Training of correctional educators.

**Responses**

***Mayor's Office***

***September 30, 1997***

The new Juvenile justice plan, with which the school district is involved, calls for better and more realistic educational opportunities for youths involved in the juvenile assets system.

***Juvenile Probation Department***

***September 12, 1997***

The curriculum for youths in Juvenile Hall and Log Cabin is set by the SFUSD. The JPD can work with them to suggest plans. These possibilities will be discussed.

***Juvenile Probation Department***

***June 12, 1998***

The curriculum for youths in Juvenile Hall and Log Cabin Ranch is set by the SFUSD. The Department will continue to work closely with SFUSD staff to help ensure that the curriculum is comprehensive and meets the needs of the youths.

***San Francisco Unified School District***

***May 18, 1998***

On the contrary, the District does an adequate job in educating its incarcerated youth at Woodside and a better than adequate job at Log Cabin, taking into consideration that students are receiving instruction at Woodside in learning groups characterized by gender, age, and crimes committed.

When a youth is admitted to Woodside, no one knows if he/she is leaving in three days, three weeks, or three months. It is difficult, if not impossible, to assess, plan, or teach under these circumstances. Students going to court and keeping medical appointments or appointments with their probation officers constitute a large number of interruptions. The disruptive behavior of certain students also contributes to the challenge of teaching at Woodside.

For safety reasons, students are not allowed to have pencils out of the classroom at YGC. For this reason, SFUSD teachers cannot give homework.

During the summer of 1997, students were asked to do reading at Log Cabin during part of their quiet time. Some of the "counselors" did not want to deal with the fact that students were asking them to pronounce words and that the students were not absolutely quiet, so the reading program was dismissed.

Since the investigation of the 1996-1997 Grand Jury, additional components have been added to the court school programs. Character Education is taught at both sites. Teachers have received in service training in developing interdisciplinary units. They have been given strategies on how to teach reading as part of the curriculum. Art, music, and computer classes have been incorporated into the Log Cabin program as well as provisions made for special education students, GED students, and regular on target students who will transition back to a comprehensive high school for graduation. Report cards are mailed to the parents of Log Cabin students just as they are at a regular school.

All students should be case managed upon leaving the court schools, especially those who have been at Log Cabin. There is little, if any, communication between the student's probation officer and his/her counselor or principal. Until students are held accountable for attending school by their probation officer, mentor, or case managers, students can get lost in the system. It is for this reason that SFUSD encourages the assignment of probation officers to the various high schools for several mornings per week.

**Recommendation 20: School District and Juvenile Probation Department Should Commit to Improving Youths Chances in Life**

The CGJ recommends that the San Francisco Unified School District and the JPD make a commitment to use the time during which youthful offenders are incarcerated for an appropriate educational program to improve their chances in life after release.

**Responses**

***Mayor's Office***

***September 30, 1997***

By way of example, at a number of our pilot programs, youth will receive not only educational but also vocational and job skills training.

***Juvenile Probation Department***

***September 12, 1997***

This is a current commitment of all parties.

***Juvenile Probation Department***

***June 12, 1998***

The two parties have been and continue to be committed to providing an educational program to youths that provides them with maximum resources to enable them to function productively when they return to the community.

***San Francisco Unified School District***

***May 18, 1998***

See response to recommendation #19

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**Contracts With Outside Service Providers**

**Finding: No Evaluations of Benefits from Service Providers**

Despite the millions of dollars paid to service providers and community-based organizations, the JPD is unable to determine whether the youth who receive these services have benefited significantly.



## **Responses**

*Mayor's Office  
September 30, 1997*

This finding is more appropriately addressed by the Juvenile Probation Department. Notwithstanding that, there has been insufficient evaluation of many service providers, and we have built a strong evaluation component into our Juvenile Justice Plan.

*San Francisco Unified School District  
May 18, 1998*

SFUSD has no knowledge of this issue

## **Recommendation 21: Evaluate Service Providers**

The JPD should comprehensively evaluate and monitor each service provider and community-based organization before issuing a new Request for Proposal.

## **Responses**

*Mayor's Office  
September 30, 1997*

This is a recommendation more appropriately addressed by JPD.

*Juvenile Probation Department  
September 12, 1997*

Providers are currently monitored, and as indicated above an outside evaluator has been provided to evaluate the group of providers within the intensive home supervision component.

*Juvenile Probation Department  
June 12, 1998*

The PRODES system noted in our response to recommendation #13 will be used to evaluate service providers.



***San Francisco Unified School District***

***May 18, 1998***

Based on SFUSD's limited experiences with JPD procedures, SFUSD is in agreement with these recommendation.

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**Finding: Insufficient Evaluations and Monitoring of Contractor Services**

The JPD makes an insufficient effort to evaluate these service providers or to compare the services provided by the service providers with one another or by similar services provided by the JPD itself. The JPD does not regularly monitor these services to ensure that the contracted services are actually being provided, that the quality is as warranted, and that contractual obligations to the JPD and the youth are fulfilled.

**Responses**

***Mayor's Office***

***September 30, 1997***

This finding is more appropriately addressed by the Juvenile Probation Department. Notwithstanding that, there has been insufficient evaluation of many service providers, and we have built a strong evaluation component into our Juvenile Justice Plan.

***San Francisco Unified School District***

***May 18, 1998***

The District needs to be included in the plan of care that is provided to the students. School staff, as well as Central Office staff, should be able to notify case managers or someone as to the needs of the youth at the schools. Youth on probation are entitled to many city services such as mental health counseling, drug rehabilitation, etc. The school staff is often not informed of what services the students are receiving.

**Recommendation 22: Develop Evaluation Criteria**

The JPD should develop objective criteria for monitoring and evaluating the services of these providers.

## **Responses**

*Mayor's Office  
September 30, 1997*

This is a recommendation more appropriately addressed by JPD.

*Juvenile Probation Department  
September 12, 1997*

This is a part of what will result from the evaluation contract.

*Juvenile Probation Department  
June 12, 1998*

The PRODES system will assist with the development of such criteria.

*San Francisco Unified School District  
May 18, 1998*

See response to recommendation #21

## **Recommendation 23: Appoint Contract Administrator**

The JPD should appoint a person as a contract administrator who shall regularly monitor and evaluate the programs provided by service providers and community-based organizations to ensure that the services are actually being provided, that the quality is as contracted, and that their obligations to the JPD and the youth are fulfilled. This person should provide a written report on a pre-assigned periodic basis to the Chief Probation Officer regarding these services as well as their effectiveness in accomplishing their goals. This report should be a public record protected by the City's Sunshine Ordinance.

## **Responses**

*Mayor's Office  
September 30, 1997*

This is a recommendation more appropriately addressed by JPD. It is my understanding that there is such an employee at YGC.

***Juvenile Probation Department***

***September 12, 1997***

Within the Department a variety of people perform certain aspects of the job. The Department can evaluate the possibility of combining these duties for one person.

***Juvenile Probation Department***

***June 12, 1998***

A contract compliance officer position is included in our proposed FY 1998/99 budget. Additionally, the Director of Finance and Administration is responsible for the fiscal monitoring and administration of contracts.

***San Francisco Unified School District***

***May 18, 1998***

See response to recommendation #21

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**Additional Training For Counselors**

**Finding: Counselors Do Not Receive Adequate Training**

The youth at the YGC and Log Cabin Ranch spend more time with the counselors than with any other adults. Thus, the role of the counselor is critical. While the counselors receive the minimal training required by state law, they do not receive adequate training in guiding troubled adolescents, the very persons with whom they work.

**Responses**

***Mayor's Office***

***September 30, 1997***

This finding is more appropriately addressed by JPD.

***San Francisco Unified School District***

***May 18, 1998***

The SFUSD agrees that counselors are critical.

**Recommendation 24: Institute Formal Training Program**

The JPD should institute an ongoing formal training program for counselors beyond that required by state law, with a written manual or set of guidelines outlining their responsibilities and the expectations of the JPD for services provided by the counselors.

**Responses**

***Mayor's Office***

***September 30, 1997***

I agree with the spirit of this recommendation, but this should be addressed by JPD. The new juvenile justice plan contemplates much more training for counselors and probation officers.

***Juvenile Probation Department***

***September 12, 1997***

The Department does have a written manual outlining responsibilities of counselors. Copies of this manual were provided to members of the Grand Jury. The Department does provide training beyond that required by the Board of Corrections. Ideally, even more training could be given. Training for counselors is a budget item as each time a counselor goes to training, he/she must be replaced with a worker paid from temporary salaries or overtime money. Additional training becomes a large expense item.

***Juvenile Probation Department***

***June 12, 1998***

The Department does have a written manual outlining responsibilities of counselors. Copies of this manual were provided to the members of the Grand Jury. The Department does provide training beyond that required by the Board of Corrections. We will continue to assess the training needs of the counselors and evaluate additional training options for these staff.

***San Francisco Unified School District***

***May 18, 1998***

The counselors of JPD are not, by and large, counselors in the same sense SFUSD uses the term. While SFUSD uses the term to describe a counselor as one who offers school guidance or one who does therapy, clinical counseling, or mental health counseling, JPD counselors appear to perform primarily a security function.

## **General Responses**

### ***District Attorney***

***October 1, 1997***

The District Attorney's office concurs with the overall Civil Grand Jury's recommendation that there be comprehensive, coordinated programs that deal with the plethora of problems facing at risk youth. Although the District Attorney's office is not specifically mandated to engage in educational, sheltering, health and providing services for delinquent youth, I am committed to horizontal cooperation with others in securing a safe, humane and healthy environment. I believe that rehabilitation and/or the potential to be productive and law-abiding begins when a child is helped to grow physically, emotionally, spiritually and educationally.

The District Attorney's office is an integral part of a new Juvenile Drug program schedule to begin in early November 1997. We take part in the Mayor's Youth Work Program, and also will independently employ minors on a part time basis. My office is actively engaged in juvenile probation violation cases. The office has informally joined with the Juvenile Probation Department and some community agencies to divert appropriate minors out of the Juvenile Justice System. I have committed my managing attorney of the District Attorney's Juvenile Division to work directly with Delancey Street in putting into effect their "Action Plan".

### ***Juvenile Probation Commission***

***May 5, 1998***

As was pointed out by the Department, the Grand Jury's report contained many dangerous errors. Since those factual errors were set forth in the Department's response, we will not reiterate the list of mistakes here. Suffice it to say that the JPC is alarmed and outraged by the flawed investigation undertaken by the grand jury. Moreover, the JPC is duty bound to set the record straight.

The California Supreme Court in McClatchy Newspapers v. Superior Court (1988) 44 Cal.3d 1162, 1175, recognized that the "reporting function of the grand jury is central to its effective operation in the public interest." The unquestioned and gross errors contained in the Grand Jury's report do not serve the public interest. Instead, they unjustly increase the fears of parents and the sale of local newspapers. San Franciscans deserve better.

The Juvenile Probation Commission welcomes and needs informed and constructive criticism. The JPC, however, views the Grand Jury's report as analytically flawed and counterproductive. The JPC would rather not dignify the report with a response;



however, we are legally mandated to do so. Finally, we request that the Grand Jury publish a retraction correcting its factual errors and unsupported findings.

***Public Defender***

***April 10, 1998***

The Public Defender concurs with all the recommendations of the Grand Jury with the exception of #7.

One overall comment: I agree that improvements should be made to the Youth Guidance Center as it now stands. But the extent of those improvements must be gauged by the possibility of a new facility. The Juvenile Probation Commission now has ambitious plans for a redesign of the system. After redesign is in place, we will be in a better position to develop plans for a new facility.

***San Francisco Police Department***

***October 10, 1997***

In response to the 1996-1997 Civil Grand Jury report regarding the Juvenile Justice System, I agree with the report. There are points made within the report concerning conditions and procedures at the Youth Guidance Center which I must assume to be accurate. I do agree that the system, in its present state does not adequately serve the youth of San Francisco. There are several ways we can improve the Juvenile Justice System and I believe some are in place and others are beginning to take shape.

The San Francisco Police Department Juvenile Division is committed to working in cooperation with the Delancey Street Foundation. The vision for the Continuum of Care plan promises to be a nationwide model for dealing with youth and will far outlast its three year grant finding. The plan calls for an alternative to the traditional Youth Guidance Center approach. The plan will provide: 1) assessments to make referrals to other city agencies and community based organizations, 2) tutoring, 3) job training, 4) after school care, and in some cases, 5) housing for youth during the program. In addition, improvements will be made to provide housing for female offenders at the Hidden Valley Ranch.

Recently, we have improved relationships and communication with the San Francisco Juvenile Probation Department and wholly support the new Chief Probation Officer, Jesse Williams Jr., with his efforts to improve his Department. Captain James Dudley of the Juvenile Division continues to maintain roles with MCSTAC, (the Mayor's Child Sexual Trauma and Adolescent Committee), the Child Abuse Council, Youth Court, the Violence Prevention Network, the Human Rights Commission, Youth and Families Committee and other organizations in order to meet the needs of San Francisco Youth.



The Juvenile Division of the Police Department continues to address the needs of San Francisco Youth with programs such as the Wilderness Program, (over tea served since its inception in 1981), the S.F. Striders Program, Weed and Seed and WAYIN Programs with help from Federal grants, and P.A.L. programs, all of which include after school activities and/or tutoring. - The Police Department will participate in the Youth Works Monitoring Program, along with 1% of the City government's work force, in an effort to bring hundreds of San Francisco High School Youth into the work place as interns to learn business and administrative skills.

Monthly meetings are coordinated between the Police Department and SFUSD personnel. The City Attorney is currently meeting with both groups to form protocols for exchange of information. A need exists for the SFUSD to assist in drafting an agreeable Truancy Plan for youth not attending school to head off potential problems before they start. To date, no Truancy Plan has been adopted for enforcement.

In summary, the San Francisco Police Department will continue to move forward with efforts with the Delancey Street Foundation in bringing a new Juvenile Justice Plan to fruition, one that will last for many years to come, and will assist associated agencies including the Juvenile Probation Department, Juvenile Probation Commission and the San Francisco Unified School District in improving the quality of care for the Youth of San Francisco

### ***San Francisco Police Department***

***May 20, 1998***

We continue to play a role in Youth Programs in San Francisco in cooperation with agencies such as the Juvenile Probation Department, the District Attorney's Office, the Delancey Street Foundation and the Mayor's Office of Children, Youth and Families.

Regarding the Delancey Street Foundations "Continuum of Care" plan, a referral center has opened at 121 Leavenworth Street for minor offense cases. The San Francisco Police Department shares in the venture with numerous agencies including Juvenile Probation and the District Attorneys Office.

Monthly meetings continue and current projects with Juvenile Probation and Chief Jessie Williams include a Youth Diversion Program and mandatory reporting issues, in child abuse cases.

The Mayor's Office has renewed talks with the San Francisco Unified School District to implement truancy plans in San Francisco. The next meeting is planned for June 1998

***Superior Court***

***May 26, 1998***

The Superior Court feels that the Probation Commission responded in a complete and thorough manner. Consequently the Court stands by the response of the Commission.

## **Chapter 3**

### **San Francisco Branch Libraries and Public School Libraries**

#### **Background**

The 1996-1997 Civil Grand Jury investigated the operation of the branch libraries within the City and County of San Francisco. Propositions A in 1988, and E in 1995, mandated a library system that would offer convenient access to quality facilities and services. The Jury's findings indicate that the branches have suffered under an administration which placed the opening of the new Main Library above the day-to-day operations of the branches. Due to well-publicized budget problems in the system as a whole, the branches continue to operate with outdated technology, minimal staffing and old furnishings. Much-needed renovations and retrofits at both large and small branches are years from realization.

In addition, the Grand Jury investigated the relationship between the branch libraries and neighboring public schools. The Grand Jury believes that these two systems must act together to educate and inspire the children and youth of the City. The San Francisco Public Library (SFPL) and San Francisco Unified School District (SFUSD) are not communicating effectively, and, as a result, are not making the best possible use of limited resources. Furthermore, the SFUSD does not adequately staff or fund the libraries within its schools, and consequently, has unduly burdened the Public Library system.

#### **Results**

The Civil Grand Jury made 8 recommendations and required responses from the following:

Mayor  
San Francisco Board of Supervisors  
SFUSD Superintendent  
SFUSD Board  
City Librarian  
SFPL Coordinator of Children's and Youth Services  
SFPL Chief of Branches

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#### **Finding: Branch Budgets Should Not Be Cut**

Usage of children's sections at the branches is heavy and continues to increase, while staffing and budgets remain static or are frozen due to budget problems within the library

system as a whole. Up-to-date computers and other technologies are in short supply at the branches.

### **Recommendation 1: No Further Cuts and Restore Frozen Budget Items**

The SFPL should make no further cuts of either personnel or funds at the branches, and restore all frozen budget items as soon as possible.

#### **Responses**

##### ***Mayor's Office***

***September 30, 1997***

The Mayor's Office is working closely with the Library and the Controller to identify all revenue and to ensure that funds are being used in the most appropriate manner. The Mayor's Office is optimistic that critical positions which are currently vacant due to attrition will be restored.

##### ***San Francisco Public Library***

***October 1997***

The Library is working closely with the Mayor's Office and the Controller to identify all revenue and to ensure that funds are being used in the most appropriate manner. The Library is optimistic that critical positions which are currently vacant due to attrition will be restored.

##### ***San Francisco Public Library***

***May 28, 1998***

Since August of 1997, the library has been working with the Mayor's Office and the Controller to stabilize and correct the library's budget. Through a budget supplemental appropriation and the development of the 1998-99 budget, additional revenues have been added to the library's budget to closer reflect actual operating expenditures. The library is examining all phases of its operations and will complete a structural reorganization in the coming fiscal year to better deploy all existing staff and to reallocate resources as appropriate

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### **Finding: Coordination Needed Between School District and Library**

The SFUSD has no effective means of facilitating ongoing communication with the SFPL Department of Children's Services. The School District makes no regular contact with

librarians at the branches, and has no adequate mechanism for working with the Public Libraries Department of Children's Services despite having a mission statement which has as one of its stated goals "[t]o increase and expand inter-agency collaboration to better serve our students." The Grand Jury uncovered problems which can be attributed to this lack of communication and coordination. For example, some assignments given by teachers called for research material unavailable at the branches. In other cases, whole classes were given an assignment on one subject, although the branch had only one or two books on the topic. Children's Librarians at the various branches expressed frustration at their inability to assist their young patrons due to the unrealistic nature of these types of assignments, as well as the lack of prior notification.

## **Responses**

### ***San Francisco Unified School District May 18, 1998***

School district librarians communicate with public librarians in the following ways:

- SFUSD sends one school librarian each month to joint book reviewing sessions with SFPL children's librarians.
- SFUSD sends one high school librarian each month to joint book reviewing sessions with SFPL teen specialists.
- SFUSD worked with SFPL Special Projects Coordinator Sybil Boutilier to develop a grant application to fund joint projects SFPL-SFUSD technology training and professional development.
- In summer, 1998, SFPL is providing two one-week sessions of technology training for SFUSD librarians and classroom teachers.
- The District Resource Librarian communicates informally on an as-needed basis via e-mail and phone with Toni Bernardi, head of Children's Services and with Grace Ruth, acquisitions specialist. We will work on improving the process and making it more formal.
- The process of communication between classroom teachers and the public library is more complex than communication between school librarians and public librarians. The SFUSD will work on making teachers aware of the need to communicate with the SFPL to determine if materials are available before assignments are given to students.

## **Recommendation 2: School District Should Appoint Liaison**

The SFUSD should appoint a liaison to work with the SFPL's Coordinator of Children's and Youth Services in exploring ways in which the two agencies can collaborate on a regular and ongoing basis for the good of the children and youth of San Francisco.



## **Responses**

### ***Mayor's Office***

***September 30, 1997***

It is the goal of every children's librarian to visit each class in their neighborhood schools each year, and to host a visit of these classes to the library. Response from individual schools and classroom teachers varies greatly from site to site. The Library would welcome a more coordinated approach to interaction between the schools and public libraries, in scheduling visits, selecting and reserving materials, and in areas of staff development.

### ***San Francisco Public Library***

***October 1997***

It is the goal of every children's librarian to visit each class in their neighborhood schools each year, and to host a visit of these classes to the library. Response from individual schools and classroom teachers varies greatly from site to site. The Library would welcome a more coordinated approach to interaction between the schools and public libraries, in scheduling visits, selecting and reserving materials, and in areas of staff development.

### ***San Francisco Public Library***

***May 28, 1998***

The SFUSD continues to maintain informal ties to the SFPL. The library would welcome a more coordinated approach to interaction between the schools and public libraries.

### ***San Francisco Unified School District***

***May 18, 1998***

While the district resource librarian does communicate with the SFPL Coordinator of Children's and Youth Services on an informal basis, we will work on formalizing the collaboration to include regular and frequent communication between the SFPL and the school district. The school district will invite the SFPL to participate in the professional development available to all new teachers in the summer of 1998.



### **Finding: School District Teachers Inadequately Trained on Branch Resources**

Teachers in the SFUSD are inadequately trained in the use and availability of resources at the neighborhood branches.

#### **Responses**

*San Francisco Unified School District  
May 18, 1998*

The teachers in the SFUSD would certainly benefit from training in the use of resources at the neighborhood branches. Discussions between the public library and the school district will take place in order to see how this training could be expedited.

### **Recommendation 3: School District Should Make Teachers Aware of Services**

The SFUSD should commit resources to staff development so that teachers can be made aware of the services at the branch libraries. Teacher training or "in-service" days should include a library segment.

#### **Response**

*Mayor's Office  
September 30, 1997*

SFPL children's librarians do attend school in-service days to talk about services and programs of the branch libraries. The librarians would be willing to do this on a much broader scale if the schools were willing. Often, the schools are unable to fit the Public Library into their schedules.

*San Francisco Public Library  
October 1997*

SFPL children's librarians currently do attend school in-service days to talk about services and programs of the branch libraries. The librarians would be willing to do this on a much broader scale if the schools were willing. Often, the schools are unable to fit the Public Library into their schedules.

***San Francisco Public Library***

***May 28, 1998***

The public library was invited to send information about the library system to SFUSD for a summer training for new teachers. The training program schedule precludes any opportunity for SFPL librarians to participate in the presentations.

***San Francisco Unified School District***

***May 18, 1998***

We do have library segments on some of our professional development days for district librarians or library paraprofessionals. We will work on expanding it to include more classroom teachers.

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**Finding: School District Does Not Adequately Fund Its Libraries**

The SFUSD does not adequately fund its libraries and, as a result, has shifted the burden of supporting the public school curriculum to an already strained public library system.

**Response**

***San Francisco Unified School District***

***May 18, 1998***

SFUSD acknowledges the fact that the purpose of school libraries is to support the curriculum and the public libraries cannot assume this role. School funding during the past few years has not permitted SFUSD to put adequate amounts of money into library resources. There is currently pending in the state legislature funding specifically designated for school library resources. See District Response to Recommendation #5.

**Recommendation 4: Locate Computerized Databases in Schools**

The SFUSD and SFPL should jointly investigate the possibility of locating multiple computerized SFPL data bases in the schools, to enable school staff and students to access them more easily.

## **Responses**

### ***Mayor's Office***

***September 30, 1997***

SFPL's databases are currently available to any school, home or office via modem and dial-in access. Pacific Bell provides free ASCEND lines to public schools, making this access possible. Dial-in with a modem would not be necessary should the school have a T-1 line, providing a direct connection.

The Library has a funding through a National Science Foundation grant which will be used to hire a children's librarian to visit schools and provide instruction and training for teachers on how to access the Library's databases, as well as information on what kinds of resources are available. Clearance of this position through the city process is pending.

### ***San Francisco Public Library***

***October 1997***

SFPL's databases are currently available to any school, home or office via modem and dial-in access. Pacific Bell provides free ISDN lines to public schools, making this access possible. Dial-in with a modem would not be necessary should the school have a T-1 line, providing a direct connection.

The Library has funding through a National Science Foundation grant which will be used to hire a children's librarian to visit schools and provide instruction and training for teachers on how to access the Library's databases, as well as information on what kinds of resources are available. Clearance of this position through the city process is pending.

### ***San Francisco Public Library***

***May 28, 1998***

Through a National Science Foundation grant received by the library, SFPL is sponsoring two institutes this summer in June and August to instruct teachers and school librarians on how to access the library's technology and electronic resources. The SFPL librarian funded by this grant will continue this instruction by offering one day training sessions in the public schools through March, 1999.

***San Francisco Unified School District***

***May 18, 1998***

At the present time anyone anywhere can access the San Francisco public library databases if they have a computer and access to the Internet. A few years ago we wrote an LSTA grant proposal to wire all SFUSD high school libraries for access to the Internet and to SFPL in particular. We did not receive the grant, but since that time many of our school libraries have been connected to the Internet by the district. We support the continued wiring of school libraries and the continued acquisition of hardware and software for Internet access.

**Recommendation 5: Fund Full Time School Librarians**

The School Board and Superintendent should make a commitment to the school libraries and fund a full-time librarian in each and every public school in the City.

**Responses**

***Mayor's Office***

***September 30, 1997***

The Mayor's Office agrees with this recommendation.

***San Francisco Public Library***

***October 1997 and May 28, 1998***

The Library agrees with this recommendation.

***San Francisco Unified School District***

***May 18, 1998***

The Curriculum Committee of the Board of Education voted on March 5, 1998 to investigate the cost of full-time library service in each school. On May 13, 1998, the Budget Committee of the Board of Education also considered the cost of funding full-time librarians in every public school in the city.

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**Finding: Branch Libraries Heavily Used**

Because of the overwhelming number of requests by teachers for a very limited number of school-day hours, children's librarians limit the number of visits by each class to its neighborhood branch to one or two per year. The Grand Jury found both anecdotal and

statistical evidence that indicated heavy after-school patronage of children's sections. Proposition E allows the Library Commission to increase branch library hours after the year 1999. It requires that public hearings be held and a study of community needs be taken into account.

## **Response**

### ***San Francisco Unified School District***

***May 18, 1998***

The district acknowledges that teachers would like additional visits to the neighborhood branch, but does understand the necessity of limiting the number of visits.

## **Recommendation 6: Assess Whether Current Library Hours Meet Needs**

The Library Commission should take the earliest opportunity available under Proposition E to ascertain whether present hours make the best use of resources in serving the adults and children of the City.

## **Responses**

### ***Mayor's Office***

***September 30, 1997***

The Library Commission under the provisions of Proposition E, is required to hold a public hearing at each branch library every five years to establish hours of service. These hours cannot be reduce within the five year period. Currently, the library system is open 1,172 hours. The legislation required that the system be open to a minimum of 1,028 for the first five years. A new schedule of public hearings should be calendar in the fall of 1999.

### ***San Francisco Public Library***

***October 1997***

The Library Commission, under the provisions of Proposition E, is required to hold a public hearing at each branch library every five years to establish hours of service. These hours cannot be reduced within the five year period. Currently, the library system is open 1,172 hours. The legislation required that the system be open a minimum of 1,028 for the first five years. A new schedule of public hearings should be calendared in the fall of 1999.



***San Francisco Public Library***

***May 28, 1998***

*The Public Library had no additional comments related to this recommendation.*

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**Finding: Health and Safety Problems at Chinatown Branch**

The renovation of the Chinatown branch was problematic for a variety of reasons, and cost far more than was originally planned. The original building, like many older San Francisco structures, had manually opening windows and no central air conditioning system. The new structure has only a few windows that open, no air conditioning and inadequate ventilation. Grand Jury members who toured the facility noted the lack of fresh air, and staff members at the library have made similar complaints to supervisors. In addition, on warm days temperatures at the branch can become unbearable. These temperature and ventilation problems are exacerbated in the summer months, precisely when daytime usage by school-age children is heaviest.

**Response**

***San Francisco Unified School District***

***May 18, 1998***

SFUSD has no basis upon which to respond.

**Recommendation 7: Assess and Repair Any Health and Safety Issues**

The SFPL should request that the Department of Health, Department of Public Works or other appropriate agencies make the necessary inquiries and tests to ascertain the extent to which health or safety problems exist at the Chinatown branch. Should problems be verified, the SFPL should promptly make the necessary repairs or improvements. In any event, the SFPL should make repairs or improvements to the ventilation system so that patrons and staff can feel comfortable.

**Responses**

***Mayor's Office***

***September 30, 1997***

The Mayor's Office agrees that a solution must be found to the problems of air circulation and temperature at Chinatown Branch. A preliminary estimate of the cost of adding an air conditioner to the branch is \$250,000 or more. The possibility of portable



air conditioning units has been explored and found to be unfeasible due to the operation of the current air handling system and the potential negative affect on the smoke evacuation system.

Staff has been monitoring air temperature and effect on staff, such as eye irritation and breathing difficulties. The Health and Safety Committee of the Library staff will be considering a proposal to authorize closing a facility when the indoor temperature reaches 90 degrees or higher for an hour or more.

As a next step, the Mayor's Office agrees that an assessment by the Department of Public Health is appropriate and the library will request an inspection. Concurrently, the library will work with DPW staff to prepare a study and cost analysis of replacing the closed windows with operable windows and to determine compatibility of this solution with the present air handling system. As a long term strategy, the Library's stationary engineers believe that an engineering study and redesign of the air ventilation system may be necessary. Following the DPH inspection, the Library will work with the Department of Public Works to find a solution

***San Francisco Public Library***  
***October 1997***

The Library agrees that a solution must be found to the problems of air circulation and temperature at Chinatown Branch. A preliminary estimate of the cost of adding an air conditioning unit to the branch is \$250,000 or more. The possibility of portable air conditioning units has been explored and found to be unfeasible due to the operation of the current air handling system and the potential negative effect on the smoke evacuation system.

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***San Francisco Public Library***

***May 28, 1998***

The Library has been monitoring air intake into the Chinatown Branch Library and raised intake to the maximum level. Glass partitions separating the Chinese collection in the main reading room have been removed to improve air circulation. All problems are being documented as they occur. It is unlikely that the air circulation problems can be completely corrected without installing air conditioning. The library will work with Department of Public Works to find solutions to ongoing problems.

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**Finding: Renovation Plans for Mission Branch Should Be Reviewed**

The Mission branch is due for renovation beginning sometime in late 1997 or early 1998. A design similar to that used at the Chinatown branch is planned, and the Grand Jury is concerned that ventilation and temperature problems similar to those encountered at the Chinatown branch may occur. The Grand Jury recognizes the cost effectiveness of installing adequate ventilation and/or air-conditioning systems during initial construction rather than as a retrofit.

**Responses**

***San Francisco Unified School District***

***May 18, 1998***

SFUSD has no basis upon which to respond.

**Recommendation 8: Review Renovation Plans for Mission Branch**

The SFPL and DPW should undertake a review of the retrofit and renovation plans for the Mission branch in order to avoid problems such as those which are apparent at the Chinatown facility. Renovation plans for other branches should undergo a similar review process.

**Responses**

***Mayor's Office***

***September 30, 1997***

The Mayor's Office and the Library has been assured by Department of Public Works that these problems will not recur at Mission Branch. A much more extensive analysis and investigative work, in addition to peer review, were performed at Mission Branch

as part of the planning process. Unlike Chinatown, Mission Branch will have operable windows, and a cooling system on the ground floor.

***San Francisco Public Library***

***October 1997***

The Library has been assured by Department of Public Works that these problems will not recur at Mission Branch. A much more extensive analysis and investigative work, in addition to peer review, were performed at Mission Branch as part of the planning process. Unlike Chinatown, Mission Branch will have operable windows, and a cooling system on the ground floor.

***San Francisco Public Library***

***May 28, 1998***

Construction on Mission Branch is progressing according to schedule, with the branch scheduled to reopen in late spring of 1999.



## **Chapter 4**

### **The Hiring Process in the City and County of San Francisco**

#### **Background**

The City's hiring system is needlessly complex, wasting both time and energy. The extended process required to fill positions impedes the work of City departments in providing necessary services to the general public and frustrates many qualified job candidates, who then decide to look elsewhere for employment.

The 1996-1997 Civil Grand Jury investigated whether recent voter-mandated charter amendments, intended to remove barriers and modernize the hiring process, have met the voters' objectives. The Civil Grand Jury investigated the role of CSC and DHR in the hiring process. It also reviewed both the negotiation process and the administration of union agreements since they affect most work-related issues, including hiring.

#### **Results**

The Civil Grand Jury made 21 recommendations and required responses from the following:

Office of the Mayor  
Board of Supervisors  
Civil Service Commission  
Department of Human Resources  
Office of the Controller  
Office of the City Attorney  
Office of Telecommunication and Information Services

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#### **Civil Service Commission**

#### **Finding: City Has Too Many Classes**

A top priority of both CSC and DHR is to address the City's complex and unwieldy position classification system. In 1991, the City had over 2,000 occupation classes, many of which were duplicative, outdated or obsolete. In 1992, an effort to reduce this number resulted in elimination of almost 400 classes. Currently, CSC's Coordinating Working Group, which consists of Commissioners, senior CSC staff and senior managers of the DHR, is continuing the task of reducing the more than 1,500 classes to fewer than 1,000.

By consolidating classes and eliminating redundancy, the City will be able to reduce the number of examinations required for City jobs.

## **Responses**

### ***Mayor's Office***

***September 30, 1997***

The Mayor's Office generally agrees with the finding to reduce the number of classifications as much as practicable and has committed significant resources to this effort. Given the wide variety of City and County departmental operations, it may not be possible to reduce the number of classes below 1,000.

### ***Office of the City Attorney***

***October 7, 1997***

The City Attorney agrees that it is a priority for the CSC and a directive to DHR to address improvements in the complex and unwieldy position classification system. The City Attorney also agrees that consolidating classes and eliminating redundancy would reduce the number of examinations required for City jobs. The City Attorney lacks adequate information with which to respond to the remainder of this finding.

### ***Civil Service Commission***

***October 22, 1997***

The Civil Service Commission agrees with this finding by the Grand Jury. The Commission is scrutinizing the class reduction effort and has established this as a major priority. For Fiscal Year 1997-98, the Commission has established a goal of eliminating or consolidating classes so that there will be at least 200 less classes by June 30, 1998. The Commission's long-range plan is to insure that there will be a total of 1,000 or less classes City-wide by January 1, 2000.

### ***Department of Human Resources***

***October 28, 1997***

DHR generally agrees with the finding to reduce the number of classifications as much as practicable and has committed significant resources to this effort. Given the wide variety of City and County departmental operations, it may not be possible to reduce the number of classes below 1,000.



**Finding: Meet and Confer Requirements Slow Process**

The process of reducing classes is slowed considerably by the need to meet and confer with employee organizations, including unions. It is especially complex if a permanent employee holds a job in a class being considered for elimination.

**Responses**

***Mayor's Office***

***September 30, 1997***

The Mayor's Office agrees with this finding. Charter Section 10.103 provides that the allocation or reallocation of a position shall not adversely affect the civil service rights of an occupant regularly holding such position. Additionally, it is virtually impossible to combine classes, which are represented by different labor organizations.

***Office of the City Attorney***

***October 7, 1997***

The City Attorney agrees with this finding.

***Civil Service Commission***

***October 22, 1997***

The Civil Service Commission agrees with this finding. However, the Commission is convinced that there are far too many classes and that significant class reduction may be accomplished without adversely affecting the civil service rights of permanent incumbents. The Commission further believes that the requirement to meet and confer on certain aspects of classification activity is not an insurmountable barrier to class reduction. The Commission is currently reviewing all its classification-related Rules with a view toward amending Rules to facilitate class consolidation by expanding the rights of permanent incumbents to transfer their status rights to another class without suffering any deprivation of rights.

***Department of Human Resources***

***October 28, 1997***

The DHR agrees with this finding. Charter Section 10.103 provides that the allocation or reallocation of a position shall not adversely affect the civil service rights of an occupant regularly holding such position. Additionally, it is virtually impossible to combine classes which are represented by different labor organizations.

**Finding: Numerous Rule Changes May Affect Hiring**

CSC has promulgated numerous rule changes which could affect hiring practices. These changes now await DHR action with the City's unions.

**Responses**

***Mayor's Office***

***September 30, 1997***

The Mayor's Office partially agrees with this finding. The rules changes were promulgated by and CSC some time ago, when DHR had insufficient staffing to manage the required meet and confer process with City unions. Funding for this purpose has now been transferred from DHR to the CSC.

***Office of the City Attorney***

***October 7, 1997***

The City Attorney agrees with this finding.

***Civil Service Commission***

***October 22, 1997***

The Commission generally agrees with this finding [of numerous rules]. The Department of Human Resources recently agreed to authorize the Civil Service Commission to conduct its own discussions on proposed Civil Service Commission Rules changes with employee organizations and to transfer sufficient funding to the Commission to hire a labor negotiator dedicated exclusively to processing Civil Service Commission Rules changes. That person has reported and the Rules change process will commence shortly. The Executive Officer has also appointed a high-level, select group of personnel officials, including a representative from the Department of Human Resources, to advise him and the labor negotiator on Rules negotiations matters. This "Rules Advisory Committee" has already met with the members of the Commission to present recommendations and to receive instructions from the Commission. The group will continue to meet with the Commission and the labor negotiator to formulate and make recommendations to the Civil Service Commission on policy, priorities, and strategy. Hopefully, the first meet and confer sessions with employee organizations on proposed Rules changes will commence later this calendar year. The Commission will shortly be establishing the goals and priorities for the labor negotiator based on and in consultation with the Executive Officer and the Rules Advisory Committee.

***Department of Human Resources***

***October 28, 1997***

DHR partially agrees with this finding. The rules changes were promulgated by CSC some time ago, when DHR had insufficient staffing to manage the required meet and confer process with City unions. Funding for this purpose has now been transferred from DHR to the CSC.

**Recommendation 1: Identify and Prioritize Ways to Speed Hiring**

CSC and DHR should identify and prioritize those changes that can speed the hiring process through CSC's rule-making authority, since a charter amendment has removed previous restrictions on CSC to act independently.

**Responses**

***Mayor's Office***

***September 30, 1997***

The recommendation is being implemented. The DHR has established a work group of professional internal staff, as well as representatives of large departments, who are experienced in merit system services to develop recommendations and work plans to streamline exam processes. A review of existing CSC Rules is being conducted and the work group will make formal recommendations to CSC staff within six months.

***Office of the City Attorney***

***May 29, 1998***

The Grand Jury's recommendation in response to these findings is a policy matter for the Department. Implementation of this recommendation is a matter over which the City Attorney has no control. Accordingly, the City Attorney does not comment.

***Office of the City Attorney***

***May 29, 1998***

Implementation of the Grand Jury's recommendations with respect to the City hiring process . . . are policy matters. As these recommendations do not involve legal issues, our office has no further information. However, where these departments encounter legal issues in implementing the Grand Jury's recommendations, this office provides advice in response to departmental inquiries.

***Civil Service Commission***

***October 22, 1997***

The Commission agrees with this recommendation and will work with the Executive Officer, the Human Resources Director, and their respective committees and advisory groups to identify and prioritize any Rules, policies, and procedural changes which will support acceleration of the hiring process. The Commission is anxious to eliminate any barriers its Rules may present in streamlining the hiring process and will make this a major goal. However, in order to retain a merit system and to provide an orderly hiring process with equal employment opportunity, some perceived hurdles may always remain. The Commission will attempt to conclude its review and prioritization no later than January 1998.

***Department of Human Resources***

***October 28, 1997***

The recommendation is being implemented. The DHR has established a work group of professional internal staff, as well as representatives of large departments, who are experienced in merit system services to develop recommendations and work plans to streamline exam processes. A review of existing CSC Rules is being conducted, and the work group will make formal recommendations to CSC staff within six months.

***Department of Human Resources***

***June 5, 1998***

The Merit System Services Division has submitted proposals to the CSC Rules Revision Committee to revise the Examination Rule, which should facilitate exam processes. Specifically, the division has proposed that the HR Director assume authority for the establishment of certification rules. Under existing rules, consensus must be reached with labor organizations before most certification rules may be broadened. This has frequently resulted in excessive delays and redundant processes which could be mitigated with a change in the examination rule. Additionally, the division has proposed that the HR Director be granted the authority to conduct promotive exams, subject to appeal to the CSC. This would expedite the process by eliminating the need for prior Commission approval.

***Department of Telecommunication and Information Services***

***May 6, 1998***

We have reviewed the Civil Grand Jury's assessment and recommendations in this area and concur with their view that it is imperative that the Civil Service System, and particularly the hiring process, be moved into an automated environment as expeditiously as is possible. Since the Report was written, several significant steps

have been taken which indicate a commitment to this goal among all the participating departments.

- In the first quarter of 1998, The Department of Human Resources (DHR) implemented an automated system, called SIGMA, which performs certifications and applicant tracking.
- DTIS and DHR are engaged in a current joint effort to build an Entrant function to automate requisition processing.
- A request for Proposals was issued for a Citywide Automated Personnel System. A team response from Peoplesoft, BIT and KPMG Peat Marwick is currently under consideration. Discussions between DHR and DTIS are in progress to determine what role DTIS can most effectively play in this project.
- Other cities and counties in California and elsewhere have been contacted, and there is ongoing dialog regarding experiences with vendors, system design and system implementation

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### **Finding: Role of DHR Not Clearly Defined**

Staff members at all levels are committed, knowledgeable and want to bring about permanent and long-range improvements in the system. Because City management has not clearly assessed the roles and responsibilities of this new Department (DHR), the staff spend much time doing things the same old wasteful way instead of devoting their time and energy to organizing, planning and analysis.

#### **Responses**

##### ***Mayor's Office***

***September 30, 1997***

The Mayor's Office partially agrees with this finding. The City Charter, supported by the Civil Service Rules, clearly spells out DHR's roles and responsibilities. There have been insufficient staffing and inadequate systems to support past attempts to reengineer work processes.



***Civil Service Commission***

***October 22, 1997***

The Commission is unable to comment on this finding and defers response to the Department of Human Resources; however, the Commission will assist in any assessment and will carefully consider any proposals to make changes on matters under the Commission's purview.

***Department of Human Resources***

***October 28, 1997***

DHR partially agrees with this finding. The City Charter, supported by the Civil Service Rules, clearly spells out DHR's roles and responsibilities. There have been insufficient staffing and inadequate systems to support past attempts to reengineer work processes.

**Recommendation 2: Delegate Recruitment and Hiring to Individual Departments**

In consultation with CSC, DHR should delegate recruitment and hiring authority to individual departments, the staffs of which are likely to be more familiar with their own job requirements. Some departments, such as the Port of San Francisco, already have such agreements with DHR. Departments to which this authority is delegated should have personnel analysts who are well trained in all phases of employment activities. DHR should maintain oversight responsibility and monitor these delegated functions to ensure proper compliance with policies and procedures. By removing a processing layer, DHR could then concentrate on formulating policy, planning and analysis with the long-range goal of modernizing the City's personnel functions.

Comment: The federal Office of Personnel Management (OPM) has delegated most hiring authority to each federal agency. OPM retains recruitment and examination authority for only a few positions and permits agencies to develop their own qualification standards and examinations on all other positions. The OPM performs on-site audits and will revoke hiring authority if it finds non-compliance.

**Responses**

***Mayor's Office***

***September 30, 1997***

This recommendation has been implemented, where possible. DHR has implemented personnel decentralization agreements with the following departments: DPH, DPW, Port, DHS, Airport, PUC, Retirement, and Juvenile Probation. Additionally, delegation agreements for the conduct of specific exams have been enacted with various smaller



departments, including DBI, Adult Probation, Sheriff's Department, Public Transportation, Recreation and Park Department and Asian Art Museum. It continues to be a major goal of the DHR to decentralize exams and classification functions wherever possible, however the lack of professional, fully dedicated personnel staff in many departments render such options unfeasible. The DHR continues to assume primary responsibility for exams for citywide classes.

***Civil Service Commission***

***October 22, 1997***

The Commission agrees with this recommendation. The Commission supports the decentralization of personnel functions where feasible. The Commission believes that the Department of Human Resources has, where practicable, implemented this proposal. There are many situations where the delegation process is not a viable possibility. e.g., the Department does not have the trained staff. The Commission will, consistent with merit system concerns, assist wherever possible through adapting its Rules and policies to assist the decentralization process. Further analysis will be required. The Commission will conclude its review of this recommendation no later than January 1998.

***Department of Human Resources***

***October 28, 1997***

This recommendation has been implemented where possible. DHR has implemented personnel decentralization agreements with the following departments: Department of Public Health, Department of Public Works, Port, Department of Human Services, Airport, Public Utilities Commission, Retirement, and Juvenile Probation. Additionally, delegation agreements for the conduct of specific exams have been enacted with various smaller departments, including Department of Building Inspection, Adult Probation, Sheriff's Department, Public Transportation, Recreation and Park Department and Asian Art Museum. It continues to be a major goal of the DHR to decentralize exams and classification functions wherever possible; however, the lack of professional, fully dedicated personnel staff in many departments render such options unfeasible. The DHR continues to assume primary responsibility for exams for citywide classes.

***Department of Human Resources***

***June 5, 1998***

In addition to the eight operating departments that had already established decentralized units, the DHR has drafted an agreement with the Department of Transportation to facilitate classification and examination activities in that department.

Additionally, agreements for the delegation of specific exams continue among other departments whenever feasible.

A major goal of the Department continues to be the development and implementation of efficient examination functions. Pilot projects for the rapid recommitment and hiring of Information Services and clerical staff utilizing internet recruiting and computerized are in development and should be fully implemented by July 1998.

#### **Recommendation 4: DHR Should Focus on Planning**

DHR should focus on both short- and long-range planning. Routine day-to-day work must be streamlined to allow time for planning. It should establish and coordinate personnel goals with other City departments.

##### **Responses**

###### ***Mayor's Office***

***September 30, 1997***

This recommendation has been implemented. DHR has successfully concluded its first manager's retreat and has developed long and short range plans for each functional area. Over the next several months, this information will be communicated to departments in order to coordinate DHR's goals with other City departments.

###### ***Civil Service Commission***

***October 22, 1997***

The Commission agrees with this finding and will assist wherever possible in any areas under its jurisdiction.

###### ***Department of Human Resources***

***October 28, 1997***

The DHR agrees with and intends to fully implement this recommendation. We have successfully concluded our first manager's retreat and have developed long and short-range plans for each functional area. Over the next several months, this information will be communicated to departments in order to coordinate our goals with other City departments.

***Department of Human Resources***

***June 5, 1998***

Significant planning activities have occurred to address immediate as well as long range examination needs. Specifically, the operational needs of departments and Charter limits on terms of provisional appointments have been considered when determining examination priorities and developing work plans for the current and next fiscal year. Additionally, radical changes in examination administration are under development and are expected to streamline future hiring processes.

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**Finding: DHR Faces Many Problems**

The charter amendments, which dramatically altered the City's personnel system, came "too much, too soon," and put enormous pressure on DHR staff. While DHR was aggregating workers and functions from other City departments to form the nucleus of the Department, it also had to grapple with expansion of citywide collective bargaining, which added a major workload. Further charter revisions on collective bargaining increased the burden on the still developing Department.

**Responses**

***Mayor's Office***

***September 30, 1997***

The Mayor's Office agrees with the finding.

***Civil Service Commission***

***October 22, 1997***

The Commission defers this response to the Department of Human Resources; but agrees with this finding.

***Department of Human Resources***

***October 28, 1997***

DHR agrees with the finding.

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### **Finding: New Personnel System Needed**

A new personnel computer system, established at considerable time and expense, had failed and left the City without any easily retrievable or reliable personnel data. This failure came just when staff was involved with the complex task of establishing a new Department.

#### **Responses**

##### ***Mayor's Office***

***September 30, 1997***

The Mayor's Office agrees with this finding.

##### ***Civil Service Commission***

***October 22, 1997***

The Commission agrees with this finding and stands ready to assist the Department of Human Resources in any way possible to develop and implement the required computer system, including changing Commission Rules to facilitate the development of procedures compatible with any proposed new computer system.

##### ***Department of Human Resources***

***October 28, 1997***

DHR agrees with this finding.

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### **Finding: DHR Needs More Staff**

The City has not yet adequately staffed DHR to enable it to modernize its archaic personnel system. City officials failed to recognize the staffing level necessary to create a new, improved Department. They assumed DHR would require less staff when, in fact, it needed more. The creation of DHR did not lessen the amount of routine work required in the hiring process. As a result of the City's miscalculations, staff had very little time to devote to modernizing efforts.

Prior to the establishment of DHR, a staff of 49 handled classification and examination functions. DHR now has only 30, a reduction of 39% in staffing without any corresponding decrease in workloads. Since DHR does not have any current data on staff utilization, staffing needs or potential efficiencies cannot be accurately assessed.

## **Responses**

### ***Mayor's Office***

***September 30, 1997***

The Mayor's Office partially agrees with this finding. DHR does maintain data on staff utilization. DHR does not currently have sufficient information system capability to easily retrieve workload data.

### ***Civil Service Commission***

***October 22, 1997***

The Commission agrees with this finding. The Department of Human Resources is understaffed and underfunded to perform its assigned duties. The ratio of staffing the central personnel agency to employees being served in the Departments must increase, otherwise services will continue to decline. Strategies such as decentralization; reducing the examination load through class reduction and other techniques; Rules, policies, and procedural revisions; et al. will help up to a point, but there is no substitute for a well-trained, adequately staffed, central personnel agency.

### ***Department of Human Resources***

***October 28, 1997***

The DHR partially agrees with this finding. We do maintain data on staff utilization. We do not currently have sufficient information system capability to easily retrieve workload data.

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## **Recommendation 3: Allocate More Staff to DHR**

The City should allocate additional staff to DHR to support its 1993 charter amendment promise: "After 90 years, San Francisco needs to enter the 1990s with a modern personnel operation. This means greater efficiency, lower costs, and accountability for administrators." The creation of DHR was necessary and commendable, but the current system could hardly be called more efficient and could be more costly to the City in the future than the previous one.



## **Responses**

*Mayor's Office  
September 30, 1997*

This recommendation has been implemented. DHR plans to request additional positions in the next budget cycle.

*Civil Service Commission  
October 22, 1997*

The Commission agrees with and endorses this recommendation and will support the Department of Human Resources in its efforts to obtain a reasonable staffing level.

*Department of Human Resources  
October 28, 1997*

The DHR agrees with this recommendation. Additional positions will again be requested in the next budget cycle.

*Department of Human Resources  
June 5, 1998*

The additional staff recently funded and assigned to DHR, as well as innovative exam processes have contributed to significant increases in productivity as demonstrated in the attached graphs. Specifically, the number of eligible lists established this fiscal year has far surpassed the totals of the previous five years and is 60% more than last year.

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## **Finding: DHR Should Share Hiring Information With Departments**

DHR performs most of the functions of the hiring process, such as recruitment, examination, and certification. Some of these nominally centralized functions are delegated to departments that have the staff and expertise to do their own hiring. The specific delegation of hiring authority to these departments is outlined in Memoranda of Understanding (MOU).

## **Responses**

*Mayor's Office  
September 30, 1997*

The Mayor's Office agrees with this finding.



***Civil Service Commission***

***October 22, 1997***

The Commission agrees with this finding. The Commission believes that many of the Department of Human Resources' functions may, where appropriate, be delegated to departments. The Department of Human Resources is still legally responsible and must control and oversee the operating departments. The Department of Human Resources must also conduct post-audits to insure quality control and adherence to merit system principles. However, decentralization is contingent upon having trained staffing the departments.

***Department of Human Resources***

***October 28, 1997***

The DIIR agrees with this finding.

**Recommendation 5: Hold Periodic Meetings With City Departments**

DHR should hold periodic meetings with City departments to share information about hiring problems and successes. Some departments appear to be more successful in overcoming hiring and recruitment barriers. Some may be willing to contribute staff to work on projects that will benefit not only their own departments but contribute directly to the City as a whole. Ideally, DHR should act as a clearinghouse of ideas on successful hiring practices.

**Responses**

***Mayor's Office***

***September 30, 1997***

DHR has implemented this recommendation. The HR Director conducts biweekly meetings with departmental HR managers to discuss personnel strategy, policy, and procedures, including hiring practices. Additionally, the Employee Relations Division chairs monthly meetings with departmental HR managers to discuss labor issues.

***Office of the City Attorney***

***October 7, 1997***

The City Attorney agrees with this finding.

***Civil Service Commission***

***October 22, 1997***

The Commission agrees with this recommendation and will assist where possible.

***Department of Human Resources***

***October 28, 1997***

The DHR agrees with and has implemented this recommendation. The Human Resources Director conducts biweekly meetings with departmental HR managers to discuss personnel strategy, policy, and procedures, including hiring practices.

Additionally, the Employee Relations Division chairs monthly meetings with departmental HR managers to discuss labor issues.

***Department of Human Resources***

***June 5, 1998***

The Human Resources Director conducts biweekly meetings with departmental human resource managers to discuss personnel strategy, policy, and procedures, including hiring practices. Additionally, both the Employee Relations and the Merit System Service Division each conduct monthly meetings with human resource managers to discuss labor, recruitment, selection, and classification issues.

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**Finding: DHR Needs to Improve Its Computer System**

DHR does not have the computer systems capability to retrieve personnel data. The most glaring deficiency is the lack of a central repository for personnel information, which is currently scattered throughout City departments. Accessing data requires contacting individual departments, the Controller's office, the Retirement System and the DHR's limited systems.

**Responses**

***Mayor's Office***

***September 30, 1997***

The Mayor's Office agrees with this finding.

***Civil Service Commission***

***October 22, 1997***

The Commission agrees with this finding. A central computer system with position control capability is not only essential for basic personnel transactions, but will also be invaluable for the budgetary and other concerns of the Mayor, the Controller, and other agencies.

***Department of Human Resources***

***October 28, 1997***

The DHR agrees with this finding.

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**Finding: DHR Needs a Hiring Handbook**

DHR staff does its best in responding to the needs of City departments and has prepared some written personnel guidelines. However, many City departments remain unclear on DHR's role and responsibilities. They are also unaware of the range of the work DHR is planning or has already undertaken, though these personnel decisions affect their operations. As a result, there is a perception that DHR itself is a major obstacle in the hiring process. This criticism could be minimized if other department heads were aware of the many complex legal requirements that DHR must comply with during the job analysis, recruitment, examination and selection process. To obtain a computer-generated list of eligible candidates for hiring purposes is often difficult.

**Responses**

***Mayor's Office***

***September 30, 1997***

The Mayor's Office partially agrees with this finding. Making Department Heads aware of DHR's legal constraints will not necessarily result in reducing the perception that personnel procedures are an obstacle in the hiring process.

***Civil Service Commission***

***October 22, 1997***

The Commission partially agrees with this finding; however, no amount of education will totally eliminate the perception of obstacles in the hiring process. In order to insure conformity to legal standards, it will be necessary to have some degree of regulation

and procedure, although the Commission will work to insure that regulatory requirements under its jurisdiction facilitate, rather than impede, the selection process.

***Department of Human Resources***  
***October 28, 1997***

The DHR partially agrees with this finding. Making Department Heads aware of DHR's legal constraints will not necessarily result in reducing the perception that personnel procedures are an obstacle in the hiring process.

**Recommendation 6: Prepare a Hiring Handbook**

DHR should prepare a simple handbook to detail roles and responsibilities in the hiring process. Some departments are trying to perform personnel functions in which they have insufficient expertise or training. Others do not have a full understanding of the various steps in the hiring process.

**Responses**

***Mayor's Office***  
***September 30, 1997***

DHR has partially implemented this recommendation. The HR Director has recently established a program that links professional personnel staff in City departments to those departments who lack professional personnel staff. The goal is to help the managers understand the personnel system and how to access it. In addition HR is participating in a training program designed to help managers understand and a variety of administrative support systems. Finally, DHR recently issued an HR policy and procedure manual. Within the next three months, it will consider adding to the work plan the development of a simplified handbook describing responsibilities in the hiring process.

***Civil Service Commission***  
***October 22, 1997***

The Commission agrees with this recommendation and will support any efforts of the Department of Human Resources in implementing it.

***Department of Human Resources***  
***October 28, 1997***

The DHR partially agrees with this recommendation. The Human Resources Director has recently established a program that links professional personnel staff in City

departments to those departments who lack professional personnel staff. The goal is to help the managers understand the personnel system and how to access it. In addition DHR is participating in a training program designed to help managers understand and a variety of administrative support systems. Finally, we recently issued a Human Resources Policy and Procedure Manual. Within the next three months, we will consider adding to our work plan the development of a simplified handbook describing responsibilities in the hiring process.

***Department of Human Resources***

***June 5, 1998***

There is no change from the previous response to the Grand Jury. The simplified handbook describing responsibilities in the hiring process will be developed next fiscal year.

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**The Hiring Process**

**Finding: Classification and Examination Processes Are Complex**

The City's classification and examination processes are complex and confusing. They are a nightmare to administer and cause inordinate delays in the hiring process. The vast number of classifications means numerous examinations must be administered.

**Responses**

***Mayor's Office***

***September 30, 1997***

The Mayor's Office agrees with this finding.

***Civil Service Commission***

***October 22, 1997***

The Commission agrees with this finding. The Commission has established as one of its major priorities the reduction in the number of classes which will have the concomitant effect of reducing the need for examinations. The Commission has also adopted several new Rules which should assist in the examination process: broader certification rules; a variety of types of eligible lists; more flexibility in establishing and extending lists; et al. In addition, there are additional Rules changes pending and others being considered which will assist the examination process. However, many of



the innovations contemplated by the Civil Service Commission's 1991 Charter reform cannot, unfortunately, be implemented until the technological infrastructure is in place; specifically, in the Department of Human Resources, a new computer system for City-wide personnel management use.

***Department of Human Resources***

***October 28, 1997***

The DHR agrees with this finding.

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**Finding: Many Exams Are Not Job Related**

The examination process is particularly time-consuming since many of the existing "off-the-shelf" exams are not job-related. They are outdated or inadequate since job duties and requirements change rapidly for many positions. The City needs to develop more tests that are customized. The process requires expertise in so many areas that DHR must rely on help outside the Department. The examination process can take months as job duties must first be analyzed to determine specific task requirements. Then a test must be developed before the job can even be announced.

**Responses**

***Mayor's Office***

***September 30, 1997***

The Mayor's Office partially agrees with this finding. DHR does not utilize "off-the-shelf" exams that are not job related. In fact, "customized" selection devices are developed upon completion of job analyses, which is consistent with the grand jury finding.

***Civil Service Commission***

***October 22, 1997***

The Commission partially agrees with this finding. The legal need to use valid, job-related examinations often means that the Department of Human Resources may not use "off-the-shelf" examinations, but must develop new examinations generated through time-consuming, laborious job analysis processes. However, with the advent of more flexible examination rules, the Department of Human Resources may now approach examinations differently: different types of eligible lists; broader certification rules; and other new and innovative managerial tools. These new possibilities should assist in the examination process.



***Department of Human Resources***

***October 28, 1997***

The DHR partially agrees with this finding. We do not utilize "off-the shelf" exams that are not job related. In fact, "customized" selection devices are developed upon completion of job analyses, which is consistent with the grand jury finding.

**Recommendation 7: Develop Generic Tests**

DHR should review the examination process for the purpose of developing testing that is more generic. It may not be necessary to develop individual tests for many occupations. Generic tests would allow job applicants to become eligible for City jobs with similar requirements by taking a single examination rather than multiple exams.

**Responses**

***Mayor's Office***

***September 30, 1997***

This recommendation has not been implemented. However, DHR has created an exam streamlining work group that is considering numerous options to streamline testing, including the use of generic tests for related classes. The group is to present options to the HR Director by the end of this calendar year.

***Civil Service Commission***

***October 22, 1997***

The Commission partially agrees with this recommendation. The Commission believes that the approach outlined in this recommendation is now possible under the Commission Rules and will work with the Department of Human Resources to utilize the tools now available. However, the legal requirements of testing applicable to the City as a public entity may preclude widespread application of this concept. The Commission will request a report on this recommendation from the Human Resources Director to be presented to the Commission no later than January 1998. Following review and any necessary discussions, the Commission will make recommendations to the Department of Human Resources no later than March 1998.

***Department of Human Resources***

***October 28, 1997***

The DHR agrees with this recommendation. We have created an exam streamlining work group that is considering numerous options to streamline testing, including the

use of generic tests for related classes. The group is to present options to the HR Director by the end of this calendar year.

***Department of Human Resources***

***June 5, 1998***

The Merit System Services Division has developed a clerical testing process and screening process for information systems positions which will feature a single tests and applications for all classes within the series. It is anticipated that upon implementation of both new testing programs in early 1998/99, all provisional hiring with the two series will be eliminated, as the testing process will be radically improved. A workgroup of HR professionals continues to explore the feasibility of such generic processes for other occupational groups.

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**Finding: Provisional Hiring Overused**

The construction of job-related examinations is time-consuming and arduous. Since examinations have not been developed for a number of positions, the City has overused provisional hiring to expedite filling jobs. However, once a job is filled provisionally, there is a tendency to postpone exams, often for many years, sometimes indefinitely. The number of provisional employees has become excessive.

As of April, 1996 the number of provisional employees had swollen to 2,844, more than 10 percent of the City workforce. The duration of provisional status ranged from less than six months to more than 10 years. By occupation, the Municipal Railway had the highest number of employees in provisional status, 165 Transit Operators. Particularly startling is the high number--over 100--of clerical/secretary positions filled by provisional appointment. Since clerical duties are common throughout public and private industry, there should be no need for that many provisional appointments; tests should be fairly well standardized and readily available. The Board of Education alone had 70 provisional clerical employees.

Under the new Charter passed in November, 1995, effective 7/1/96, provisional appointments for classified positions where no eligible list exists cannot exceed three years. The Board of Supervisors must approve any extension. The DHR must certify that the Department was unable to conduct examinations for these positions for reasons beyond its control. The loss of a personnel database because of the unsuccessful migration to a new computer system has materially slowed the efforts of the DHR to meet the charter deadline.

## **Responses**

### ***Mayor's Office***

***September 30, 1997***

The Mayor's Office partially agrees with this finding. The rationale for failing to conduct examinations has been insufficient staffing and resources, rather than lack of interest once the position is temporarily filled.

### ***Civil Service Commission***

***October 22, 1997***

The Commission partially agrees with this finding. The Commission is now reviewing an expedited examination process for certain provisional employees authorized by Charter Section 18.110. This Rule, once implemented, would, in a relatively short time period, significantly reduce the number of provisional employees through expedited examinations. This is a high priority with the Commission.

### ***Department of Human Resources***

***October 28, 1997***

The DHR partially agrees with this finding. The rationale for failing to conduct examinations has been insufficient staffing and resources, rather than lack of interest once the position is temporarily filled.

## **Recommendation 8: Monitor and Limit Use of Provisional Hiring**

DHR should both monitor and limit the use of provisional hiring and establish realistic time frames for its duration. Provisional status is not fair to the Department, which may lose a trained and valued employee, or to the employee, who risks losing a job.

## **Responses**

### ***Mayor's Office***

***September 30, 1997***

This recommendation requires further analysis. The Charter now limits the duration of provisional appointments to three years. Once resources, systems, and exam streamlining are in place, DHR would be in a position to determine whether further limits would be practicable.

***Civil Service Commission***

***October 22, 1997***

The Commission agrees with this recommendation; however, this reasonable and practical approach to regulating provisional employment is not viable at this time. Once the significant numbers of provisional employees are reduced, implementing such a recommendation would not only be possible, but would be required to prevent future repetition of the problem. The Commission is currently reviewing a proposed Rules amendment permitted under Charter Section 18.110 to expedite the testing of certain provisional employees. This review will conclude within the next month. If the Commission determines that it is both legal and practical, a proposed Rules change will be circulated for meet and confer by January 1, 1998.

***Department of Human Resources***

***October 28, 1997***

The DHR does not fully agree with this recommendation at this time. The Charter now limits the duration of provisional appointments to three years. Once resources, systems, and exam streamlining are in place, DHR would be in a position to determine whether further limits would be practicable.

***Department of Human Resources***

***June 5, 1998***

As indicated above, the MSS division is attempting to develop streamlined exam processes that will ultimately eliminate all future provisional hiring within certain occupational groups. It is hoped that the City will ultimately commit additional resources and continue to support upgrades of support systems to facilitate the development and implementation of innovative, streamlined examination processes among all occupational groups.

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**Finding: Improved Information Technology Needed**

The paper review of job applications to determine qualifications is time consuming. Applications must be screened for minimum qualifications before an examination is administered. Sometimes, over 1,000 applications are received for just one vacancy. As a result of the Job Fair held in January, 1997, which attracted over 30,000 job-seekers, many City departments have been inundated with applications and inquiries.

## **Responses**

### ***Mayor's Office***

***September 30, 1997***

The Mayor's Office partially agrees with this finding. When examinations are held that attracts a large volume of applications, normally applicant pools are divided into manageable groups with periodic testing to speed the screening process.

### ***Civil Service Commission***

***October 22, 1997***

The Commission agrees with this finding; but believes the Department of Human Resources has developed procedural strategies to process large numbers of applicants. The Commission will work with the Department of Human Resources to identify any regulatory inhibitions and will, whenever practicable, eliminate any remaining impediments in streamlining the application process.

### ***Department of Human Resources***

***October 28, 1997***

The DHR partially agrees with this finding. When examinations are held that attract a large volume of applications, normally applicant pools are divided into manageable groups with periodic testing to speed the screening process.

## **Recommendation 11: Use Information Technology to Simplify Hiring**

The CSC and DHR should use technology to simplify the hiring process. (This area is discussed in more detail below under Information Technology.)

## **Responses**

### ***Mayor's Office***

***September 30, 1997***

The recommendation has been partially implemented. DHR is in the process of contracting to purchase software for examination and certification processing. It is anticipated that this software will be in the production mode by spring 1998. DHR plans to take advantage of the ability to reengineer our business operations.



***Civil Service Commission***

***October 22, 1997***

The Commission agrees with this finding and will work with the Department of Human Resources wherever possible including review and revision of its Rules, policies, and procedures. The Commission will carefully consider any propocare which are submitted.

***Department of Human Resources***

***October 28, 1997***

The DHR agrees with this recommendation. We are in the process of contracting to purchase software for examination and certification processing. It is anticipated that this software will be in the production mode by spring 1998. We plan to take advantage of the ability to reengineer our business operations.

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**Finding: Certification Delays Need to Be Alleviated**

Several departments have complained about the delay in the certification process. The DHR experienced a computer breakdown that lasted from July 1995 to December 1996. This mishap prevented the generation of a list of eligible candidates, immobilized or delayed the hiring process and created an 18-month backlog.

**Responses**

***Mayor's Office***

***September 30, 1997***

The Mayor's Office agrees with this finding.

***Civil Service Commission***

***October 22, 1997***

The Commission agrees with this finding and believes the Department of Human Resources is taking, within its available resources, the necessary steps to insure that this problem does not occur again. The Commission has advised the Department of Human Resources that it will consider amending the Commission Rules to facilitate the use of computer technology in the certification process.



***Department of Human Resources***

***October 28, 1997***

The DHR agrees with this finding.

**Recommendation 10: Reduce Some Requisition Reviews**

The Mayor's Office should consider allowing some requisitions for positions that have received prior budget approval to bypass further review. Budgetary control for these positions could be monitored at the controller's clearance point and through the automated financial system (ON-LINE FAMIS). The Mayor's Office could then concentrate its attention on positions where an in-depth review of continuing need is most critical.

**Responses**

***Mayor's Office***

***September 30, 1997***

This recommendation requires further analysis. The Mayor's Office thinks it should be seriously considered and analyzed in depth by the new Director of Finance, who will be appointed within a few months.

***Civil Service Commission***

***October 22, 1997***

The Commission agrees with this finding, but implementation is within the purview of the Mayor. There are no Civil Service impediments in implementing this recommendation.

***Controller's Office***

***May 8, 1998***

I agree. At various times this procedure has been followed and has speeded up processing of employees.

***Department of Human Resources***

***October 28, 1997***

The DHR agrees with the concept but defers to the Mayor's Office.

### **Finding: Appeals Process Needs to Be Streamlined**

The City has an elaborate and lengthy examination appeals process and there are no limits on what can be protested. Job applicants can appeal on virtually any grounds, from an application being called poorly prepared to disagreement over an exam's format. Appeals are first heard by the DHR. Adverse decisions can be appealed to the CSC. These protests take time as does the required hearing at each step in the process. In most instances the job vacancy cannot be filled while an appeal is pending. This can sometimes last for as long as two months.

#### **Responses**

##### ***Mayor's Office***

***September 30, 1997***

The Mayor's Office partially agrees with this finding. There are only some instances when an examination appeals process is lengthy. It is not true that applicants can appeal on virtually any ground. (Additionally, the Charter provides that actions of the HR Director that are appealed are not stayed pending resolution of the appeal.)

##### ***Civil Service Commission***

***October 22, 1997***

The Commission partially agrees with this finding. The Commission Rules provide opportunities for appeal only at specific and defined points in the examination process. Appeals are necessary to insure the integrity and fairness of the system and are a critical way for the Civil Service Commission to monitor and assess the functioning of the merit system. A review of the Commission's agenda and minutes will reflect that there are few occasions when the appeal process at the Commission level has slowed-up examinations. Both the Charter and the Commission Rules allow examinations to proceed while appeals are being resolved. The Commission will, however, consistent with merit system principles and the continuation of due process, review the various appeals under its Rules to insure the necessity for each one.

##### ***Department of Human Resources***

***October 28, 1997***

The DHR partially agrees with this finding. There are only some instances when an examination appeals process is lengthy. It is not true that applicants can appeal on virtually any ground. Additionally, the Charter provides that actions of the Human Resources Director that are appealed are not stayed pending resolution of the appeal.

## **Recommendation 9: Streamline Appeals Process**

The CSC and DHR should review the appeals process and determine how it can be streamlined without compromising due process. In some situations, it may be feasible to build in specific remedies for a successful appeal while allowing a job to be filled without delay.

### **Responses**

#### ***Mayor's Office***

***September 30, 1997***

The recommendation requires further analysis. DHR should work with the CSC to determine whether amendments to the rules are necessary. Proposals from the exam streamlining work group should be received by the end of the calendar year.

#### ***Civil Service Commission***

***October 22, 1997***

The Commission agrees with this recommendation and will work with the Department of Human Resources to assess the streamlining possibility either through Rules or procedural changes. The Commission applauds the Grand Jury in recognizing the need to continue due process for public employees. The Commission will complete an assessment of implementing the recommendation by January 1998 followed by the development and processing of any Rules or policy changes to be concluded by March 1998.

#### ***Department of Human Resources***

***October 28, 1997***

The DHR agrees to work with the CSC to determine whether amendments to the rules are necessary. We expect to receive proposals from the exam streamlining work group by the end of the calendar year.

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## **Finding: Processes Are Subject to Meet and Confer**

Most of the processes discussed above--classification, examination, appeals--are subject to meet and confer obligations or other union involvement.

## **Responses**

### ***Mayor's Office***

***September 30, 1997***

The Mayor's Office partially agrees with this finding. Some aspects of the classification and examination activities are subject to union involvement. As examples, DHR has the right to create classifications, but must meet and confer with the union regarding the salary and the impact of the classification action. Although the DHR can determine the exam content, the union can appeal the type of proposed exam, type of certification rule used, etc.

### ***Office of the City Attorney***

***October 7, 1997***

The City Attorney agrees with this finding.

### ***Civil Service Commission***

***October 22, 1997***

The Commission partially agrees with this finding. Only certain aspects of classification, examination, and appeals are subject to meet and confer requirements. This requirement in and of itself is not the principal impediment to getting things done. The process of discussing issues with labor has often proven to be therapeutic and constructive by reducing, if not eliminating, the possibility of future protracted appeals.

### ***Department of Human Resources***

***October 28, 1997***

The DHR partially agrees with this finding. Some aspects of the classification and examination activities are subject to union involvement. As examples, DHR has the right to create classifications, but must meet and confer with the union regarding the salary and the impact of the classification action. Although the DHR can determine the exam content, the union can appeal the type of proposed exam, type of certification rule used, etc.

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## **Collective Bargaining**

### **Finding: Collective Bargaining Is Complex**

Collective bargaining is not new in the City, but the scope and complexity of labor relations administration have increased dramatically with the passage of Propositions B and F.

#### **Responses**

##### *Mayor's Office*

*September 30, 1997*

The Mayor's Office agrees with this finding.

##### *Office of the City Attorney*

*October 7, 1997*

The City Attorney agrees with this finding.

##### *Civil Service Commission*

*October 22, 1997*

The Commission is unable to comment and defers to the Department of Human Resources for response.

##### *Department of Human Resources*

*October 28, 1997*

The DHR agrees with this finding.

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### **Finding: City Does Not Have a Long Range Strategic Labor Relations Plan**

The City does not have a vision and has not formulated a broad strategic labor relations plan to chart its future course. Such a plan would help attract and retain essential employees and improve working conditions and other benefits.

## **Responses**

### ***Mayor's Office***

***September 30, 1997***

The Mayor's Office partially agrees with this finding. DHR has moved from one year to more standardized multi-year contracts with fewer reopeners.

### ***Civil Service Commission***

***October 22, 1997***

The Commission is unable to comment and defers to the Department of Human Resources for response.

### ***Department of Human Resources***

***October 28, 1997***

The DHR partially agrees with this finding. We have moved from one year to more standardized multi-year contracts with fewer reopeners.

## **Recommendation 12: Pursue Long-Term Strategic Planning on Compensation**

The City should pursue long-term strategic planning, as is done in the private sector, on what kind of compensation package would best serve the employees and the City. This information should be shared with the City's unions and other employee organizations.

## **Responses**

### ***Mayor's Office***

***September 30, 1997***

The Mayor's Office agrees that this recommendation has merit. However, DHR currently has insufficient resources to implement this activity. DHR will consider this factor in its budget planning for next year.

### ***Civil Service Commission***

***October 22, 1997***

The Commission agrees with this recommendation, but defers to the Department of Human Resources for response as to its practicality in a collective bargaining environment.



***Department of Human Resources***

***October 28, 1997***

The DHR agrees that this recommendation has merit. However, we currently have insufficient resources to implement this activity. We will consider this factor in our budget planning for next year.

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**Finding: Collective Bargaining Agreements Impose Administrative Burden**

The large number of collective bargaining agreements which, in some cases, have only minor substantive differences, imposes a significant administrative burden on the City's management staff. Department managers must often be familiar with several different contracts that cover employees in their department.

**Responses**

***Mayor's Office***

***September 30, 1997***

The Mayor's Office agrees with this finding. However, almost all contracts have been reformatted into a standard version so that it is easier to find the same topic. DHR continues to attempt to standardize provisions during negotiations.

***Office of the City Attorney***

***October 7, 1997***

The City Attorney agrees with this finding.

***Civil Service Commission***

***October 22, 1997***

The Commission is unable to comment and defers to the Department of Human Resources for response.

***Department of Human Resources***

***October 28, 1997***

The DHR agrees with this finding. However, almost all contracts have been reformatted into a standard version so that it is easier to find the same topic. We continue to attempt to standardize provisions during negotiations.

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### **Finding: Contract Variances Create Inequities**

The large number of variances in contract provisions also creates inequities in the treatment of employees who perform the same or similar work, or have the same skills, but receive different compensation because they are subject to different contracts. For example, employees working side by side may have differing numbers of paid holidays or rates for overtime.

#### **Responses**

##### ***Mayor's Office***

***September 30, 1997***

The Mayor's Office agrees with this finding. However, there have always been differences in benefits between groups, i.e. Miscellaneous versus Police, Fire, and MUNI.

##### ***Civil Service Commission***

***October 22, 1997***

The Commission is unable to comment and defers to the Department of Human Resources for response.

##### ***Department of Human Resources***

***October 28, 1997***

The DHR agrees with this finding. However, there have always been differences in benefits between groups, i.e. Miscellaneous versus Police, Fire, and MUNI.

### **Recommendation 15: Confer With Unions on Uniform Contract Provisions**

The City should initiate discussions with the unions in order to determine whether certain working conditions and benefits of employment should be uniform in all contracts. They might, for example, want to consider that vacation, sick leave, leaves of absence, retirement, Workers' Compensation, holidays, and premium pay differentials for the same work should be uniform. These elements are examples and are not intended to be an all-inclusive listing of such working conditions and benefits of employment which should be covered by uniform provisions throughout the numerous employer contracts.

## **Responses**

### ***Mayor's Office***

***September 30, 1997***

The Mayor's Office agrees with this concept. However, the recommendation will not be implemented because the reality is that this is an impossible target. Some of our unions will not even meet together. SEIU and TWU usually refuse to meet with any other group. The AFL locals will not meet with the associations, etc. This immediately makes any type of consensus effort very difficult, if not impossible. However, most of the examples cited are either CSC carve outs or have separate charter requirements and are not negotiated.

### ***Civil Service Commission***

***October 22, 1997***

The Commission agrees with this finding, but defers to the Department of Human Resources for response. If called upon, the Commission will assist the City in any way possible.

### ***Department of Human Resources***

***October 28, 1997***

The DHR agrees with this concept. However, the reality is that this is an impossible target. Some of our unions will not even meet together. SEIU and TWU usually refuse to meet with any other group. The AFL locals will not meet with the associations, etc. This immediately makes any type of consensus effort very difficult, if not impossible. However, most of the examples cited are either CSC carve outs or have separate charter requirements and are not negotiated.

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## **Finding: ERD Needs More Staff**

The ERD, with a staff of fewer than 10 involved in labor relations, is charged with representing the City's interests in negotiating and administering 58 contracts in a multitude of personnel areas. Prior to Propositions B and F, the Mayor's Office had a staff of seven dedicated to a less complex labor relations system.

## **Responses**

*Mayor's Office  
September 30, 1997*

The Mayor's Office agrees with this finding.

*Civil Service Commission  
October 22, 1997*

The Commission is unable to comment and defers to the Department of Human Resources for response.

*Department of Human Resources  
October 28, 1997*

The DHR agrees with this finding.

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## **Finding: ERD Needs More Staff**

Staffing in the ERD is decidedly inadequate to perform the analysis and data-gathering activities to prepare for negotiations and to administer existing contract provisions. Both processes are extremely labor intensive. The ERD staff must perform substantive contract analysis and formulate fact-based strategy and negotiating proposals. Contract administration includes many areas requiring meeting and conferring with the unions. Staff research is often required to ensure consistency in interpreting and applying the provisions in the 58 City contracts. In addition to the DHR, all major departments have people involved in contract administration.

## **Responses**

*Mayor's Office  
September 30, 1997*

The Mayor's Office agrees with this finding.

*Office of the City Attorney  
October 7, 1997*

The City Attorney agrees with this finding, but lacks adequate inflammation to respond to the assertion that the level of staffing in ERD is inadequate.

***Civil Service Commission***

***October 22, 1997***

The Commission is unable to comment and defers to the Department of Human Resources for response.

***Department of Human Resources***

***October 28, 1997***

The DHR agrees with this finding.

**Recommendation 13: Increase Staffing of ERD**

The City should immediately increase the staffing level of ERD. This will improve the ability of ERD to successfully implement Propositions B and F, which promise "a fair, impartial and fiscally responsible way to determine wages, health benefits and working conditions for City employees."

**Responses**

***Mayor's Office***

***September 30, 1997***

The Mayor's Office concurs with this recommendation and DHR plans to submit a supplemental appropriation for this function during this fiscal year.

***Civil Service Commission***

***October 22, 1997***

The Commission agrees with this recommendation, but defers to the Department of Human Resources for response.

***Department of Human Resources***

***October 28, 1997***

The DHR concurs with this recommendation and again plans to submit a supplemental appropriation for this function during this fiscal year.

**Finding: Lack of Consistency Lengthens Hiring Process**

The lack of consistency in applying CSC rules to employees represented by different unions may lengthen the process for filling job vacancies. For example, some vacancies require union agreement on the number of candidates the department may consider.

**Responses**

***Mayor's Office***

***September 30, 1997***

The Mayor's Office agrees with this finding.

***Office of the City Attorney***

***October 7, 1997***

The City Attorney agrees with this finding.

***Civil Service Commission***

***October 22, 1997***

The Commission agrees with this finding; however, under collective bargaining there may always be different rules for various groups. However, the Commission is now discussing the certification rules with the Human Resources Director, the Executive Officer, and other personnel officials. Changes in the certification rules are forthcoming and are an urgent concern for the Commission.

***Department of Human Resources***

***October 28, 1997***

The DHR agrees with this finding.

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**Finding: No Single Personnel Policy**

Since salary, benefits and working conditions are governed by 58 different contracts, a job applicant exploring City employment will need to research the provisions of applicable labor contracts rather than a single City personnel policy of basic working conditions.



## **Responses**

### ***Mayor's Office***

***September 30, 1997***

The Mayor's Office agrees with this finding.

### ***Office of the City Attorney***

***October 7, 1997***

The City Attorney agrees with this finding.

### ***Civil Service Commission***

***October 22, 1997***

The Commission agrees with this finding. While this may be an inevitable outcome of collective bargaining, the Commission would support any efforts by the Department of Human Resources to propose a standard package of City personnel policies and working conditions to be used in all the City's labor agreements.

### ***Department of Human Resources***

***October 28, 1997***

The DHR agrees with this finding.

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## **Finding: DHR Lacks Resources and Expertise**

Forty rules changes promulgated by the CSC and referred to the DHR for a determination of meet and confer obligations have not been acted on because DHR had neither the resources nor sufficient expertise to address the wide range of issues in these rules changes. The delays ranged from 12 to 18 months.

## **Responses**

### ***Civil Service Commission***

***October 22, 1997***

The Commission agrees with this finding. All outstanding and potential Rules changes are currently under review. The Commission will be prioritizing Rules changes in consultation with a variety of City officials and expects to process most significant outstanding Rules changes as soon as possible. However, the nature of the meet and

confer process is such that it could take up to a year or more to complete the process even for the most urgent Rules changes.

#### **Recommendation 14: Study Impact of Collective Bargaining**

The City, in collaboration with its unions, should initiate a study on the impact of collective bargaining on the City's resources and its future. The study should identify ways to streamline the process of labor relations to ensure equitable treatment of City employees and to provide for ease in administration.

##### **Responses**

###### ***Mayor's Office***

***September 30, 1997***

This recommendation will not be implemented because it is not warranted or reasonable. The problems are already known. We have too many bargaining units, and not enough resources or clear strategy to guide current or future proposals. Such strategies may never occur when the negotiation process is inevitably a part of a political environment.

###### ***Civil Service Commission***

***October 22, 1997***

The Commission agrees with this recommendation and, if called upon, will work with the Department of Human Resources to study any issues that impact on matters under the Commission's jurisdiction.

###### ***Department of Human Resources***

***October 28, 1997***

The DHR disagrees with this recommendation. The problems are already known. We have too many bargaining units and not enough resources or clear strategy to guide current or future proposals. Such strategies may never occur when the negotiation process is inevitably a part of a political environment.

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#### **Finding: Comprehensive Data for Bargaining Process not Available**

The City has neither easily retrievable nor reliable data to cost-out various options for use in the bargaining process. It does not have a reliable personnel system that provides accurate data to determine total compensation for existing employees such as base salary,

overtime, leave, medical and dental benefits and pensions. The lack of comprehensive data prevents the City from making meaningful comparisons to formulate its bargaining positions.

**Responses**

***Mayor's Office***

***September 30, 1997***

The Mayor's Office agrees with this finding.

***Civil Service Commission***

***October 22, 1997***

The Commission agrees with this finding. The lack of such data places the City in an awkward position in collective bargaining. Many employee organizations can draw on national resources to provide economic and other data. The ability to retrieve economic data quickly and easily in preparation for doing collective bargaining regulations is crucial for the City's success and financial well-being.

***Department of Human Resources***

***October 28, 1997***

The DHR agrees with this finding.

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**Finding: Coalition Bargaining Should Be Encouraged**

The ERD and the unions, in some instances, have used coalition bargaining, a process in which the unions bargain as a single body over common issues. Coalition bargaining minimizes repetitive bargaining, contract inconsistency and loss of time and money to the City.

**Responses**

***Mayor's Office***

***September 30, 1997***

The Mayor's Office agrees with this finding.

***Office of the City Attorney***

***October 7, 1997***

The City Attorney agrees that coalition bargaining has been used in the past. However, the City Attorney does not agree that coalition bargaining minimizes repetitive bargaining, contract inconsistency and the loss of time and money to the City. The City currently bargains with individual unions on non-coalition issues. The City would be more likely to obtain the benefits described in this finding if the City did not also bargain with each individual union.

***Civil Service Commission***

***October 22, 1997***

The Commission agrees with this finding, but defers to the Department of Human Resources for response as to its feasibility.

**Recommendation 16: Encourage Merging Bargaining Units**

The City should pursue a long-term goal of encouraging employee organizations to merge their bargaining units.

**Responses**

***Mayor's Office***

***September 30, 1997***

The Mayor's Office would like to have this outcome. However, the impact would be that some unions would lose representation. Unless there is some as yet unknown way to force unions into this merged approach, no union is likely to volunteer their unit for merger.

***Civil Service Commission***

***October 22, 1997***

The Commission agrees with this finding as this process of bargaining unit merger will assist in the reduction of classes. The Commission, however, defers to the Department of Human Resources to evaluate its practicality.

***Department of Human Resources***

***October 28, 1997***

The DHR would like to have this outcome. However, the impact would be that some unions would lose representation. Unless there is some as yet unknown way to force unions into this merged approach, no union is likely to volunteer their unit for merger.

**Recommendation 17: Ensure Candidates Are Treated Equitably in Labor Relations**

The CSC and DHR should identify areas that are fundamental to the merit system, and ensure that candidates for City jobs will be treated uniformly in a fair and equitable manner in the labor relations process.

**Responses**

***Mayor's Office***

***September 30, 1997***

The CSC has completed this task.

***Civil Service Commission***

***October 22, 1997***

The Commission agrees with this recommendation and will work with the Department of Human Resources to evaluate this recommendation further. The Commission will request an analysis and recommendation from the Rules Advisory Committee by January 1998. The Commission applauds the Grand Jury's concern for protecting the San Francisco merit system.

***Department of Human Resources***

***October 28, 1997***

The CSC has completed this task.

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## **Information Technology**

### **Finding: Automated Personnel System Needed**

In general, CSC and DHR have made admirable progress in moving forward with rules changes, staff training and consensus building with the City's departments. However, due to past shortsightedness in not embracing technology as a necessary tool, the City has not achieved the efficiencies of a well-functioning automated personnel system. The hiring process continues to be primarily a massive paper operation consuming limited resources and causing inevitable delays.

#### **Responses**

*Mayor's Office  
September 30, 1997*

The Mayor's Office agrees with this finding

*Civil Service Commission  
October 22, 1997*

The Commission agrees with this finding and will support any efforts promoting the use of technology in all City personnel functions. The Commission will ask the Rules Advisory Committee to review all Rules policies, and procedures to eliminate any obstacles to the full use of technology in the City and County personnel process. This review should be concluded by January 1998.

*Department of Human Resources  
October 28, 1997*

The DHR agrees with this finding.

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### **Finding: Modern Computer System Needed**

The need for a modern computer system has been in the "talking" stage for several years. It has not moved forward to any degree because of the City's failure to follow talk with action and invest the necessary resources, time and expense in this effort. In the words of one City management employee, the City's internal computer systems are "worse than awful." There are databases that do not agree with each other in such important employee



information as time-in-service, when hired, when moved, address, and ethnic designation. The potential for fraud and abuse exists.

**Responses**

***Mayor's Office***

***September 30, 1997***

The Mayor's Office agrees with this finding

***Civil Service Commission***

***October 22, 1997***

The Commission agrees with this finding and supports all efforts to advance the use of technology in the personnel process.

***Department of Human Resources***

***October 28, 1997***

The DHR agrees with this finding.

**Recommendation 18: Accelerate Implementation of Automated Personnel System**

The City should set aside a separate budget allocation strictly for technology to accelerate the development and implementation of an automated personnel system. The current archaic system has been a serious drain on the City's time and resources. Personnel services affect the delivery of services in all of the departments, and funds invested in a personnel system will benefit the City well into the next century.

**Responses**

***Mayor's Office***

***September 30, 1997***

This recommendation has been implemented In April 1997, the DHR submitted a proposal for development of a citywide human resources information system to the Electronic Information Steering Committee a (EIPSC) As a result, the Mayor and the Board of Supervisors approved \$773,987 in the budget for DHR for Fiscal Year 1997 to fund the first year activities of a multi-year project to develop and implement a citywide human resources information system (CHRIS)

The first phase involves purchase of an application that is capable of supporting applicant tracking, examination development, scoring and analysis, and eligible list

administration-basically having a computer-based system that supports our ability to recruit, test and hire on a timely basis DHR is currently in the process of implementing the software and has targeted the end of October 1997 to "go live" with the applicant tracking and examination scoring module and the end of December for the certification module (referral of eligibles to vacant positions). During this same period, DHR is reengineering internal work procedures.

***Civil Service Commission***

***October 22, 1997***

The Commission agrees with and endorses this recommendation. An automated personnel system will enhance efficiency and accelerate personnel transactions.

***Controller's Office***

***May 8, 1998***

I agree. In the 1997-98 budget, the Mayor and Board budgeted funds for the planning for the HRIS. A request for proposal for a system has been issued, response received and the Mayor is budgeting a substantial amount in the budget that will become public June 1, 1998 to begin implementation.

***Department of Human Resources***

***October 28, 1997***

This recommendation has been implemented. In April 1997, the DHR submitted a proposal for development of a citywide human resources information system to the Electronic Information Steering Committee (EIPSC). As a result, the Mayor and the Board of Supervisors approved \$773,987 in the budget for DHR for Fiscal Year 1997 to fund the first year activities of a multi-year project to develop and implement a citywide human resources information system (CHRIS).

The first phase involves purchase of an application that is capable of supporting applicant tracking, examination development, scoring and analysis, and eligible list administration-basically having a computer-based system that supports our ability to recruit, test and hire on a timely basis. DHR is currently in the process of implementing the software and has targeted the end of October 1997 to "go live" with the applicant tracking and examination scoring module and the end of December for the certification module (referral of eligibles to vacant positions). During this same period, we are reengineering internal work procedures.

**Finding: Citywide Personnel Information System Needed**

The DHR is still in the process of establishing a citywide personnel information system. An earlier attempt was not successful and the DHR is forced to start from square one. Currently, important decisions are being made without reliable data.

Recently, the Controller's Information Systems Division (ISD), working with DHR, prepared a project proposal for a Human Resources System, but much remains to be done.

**Responses**

***Mayor's Office***

***September 30, 1997***

The Mayor's Office agrees with this finding.

***Civil Service Commission***

***October 22, 1997***

The Commission agrees with and supports this finding. A Human Resources Information System is a critical element of a modern personnel system and will help the Commission and its staff to monitor how the merit system is functioning.

***Department of Human Resources***

***October 28, 1997***

The DHR agrees with this finding.

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**Finding: Central Technology Department**

In 1996, the City centralized all technology-related functions under a newly created department, Telecommunication and Information Services (TIS). A department head has not yet been appointed; the Controller is serving as acting head.

**Responses**

***Mayor's Office***

***September 30, 1997***

The Mayor's Office agrees with this finding.

***Civil Service Commission***

***October 22, 1997***

The Commission is unable to comment on this finding.

***Department of Human Resources***

***October 28, 1997***

The DHR has no comment

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**Finding: Resource Intensive Processes Needs an Automated System**

Many resource-intensive processes, such as requisition tracking, application screening and examination preparation, could be done faster and more accurately through an automated system.

**Responses**

***Mayor's Office***

***September 30, 1997***

The Mayor's Office agrees with this finding.

***Civil Service Commission***

***October 22, 1997***

The Commission agrees with this finding and supports all efforts to modernize the City and County personnel function through the use of technology.

***Department of Human Resources***

***October 28, 1997***

The DHR agrees with this finding.

**Recommendation 19: Link Payroll and Personnel Systems**

The DHR in conjunction with the Controller's office should link up payroll with the personnel system during the design period. An interface between these two major functions would lessen the opportunity for fraud and abuse.

## **Responses**

### ***Mayor's Office***

***September 30, 1997***

The recommendation has not been implemented but it is the intention of DHR to implement it. The DHR has a limited capability of linking to the payroll system. Currently, this is accomplished via "sneaker-net", i.e., exchanging data through disk or e-mail. This is not the most efficient or effective interface. The second phase of funding received this year will allow DHR to hire a consultant to aide in developing a request for proposal for the citywide CHRIS. DHR will request funding in next year's budget to purchase this system. While the software is in the testing mode, it will be linked to the payroll system.

### ***Controller's Office***

***May 8, 1998***

I agree. We are doing so. Since the payroll system actually works while others either don't exist or are falling apart, we will prioritize work on the base HR system and Health Benefits portion before installing the payroll piece.

### ***Civil Service Commission***

***October 22, 1997***

The Commission agrees with this finding and encourages the Controller and the Department of Human Resources to work together to develop an automated payroll personnel system with a position control component.

### ***Department of Human Resources***

***October 28, 1997***

The DHR agrees with this recommendation. The DHR has a limited capability of linking to the payroll system. Currently, this is accomplished via "sneaker net", i.e., exchanging data through disk or e-mail. This is not the most efficient or effective interface. The second phase of funding received this year will allow us to hire a consultant to aide in developing a request for proposal for the citywide CHRIS. We will request funding in next year's budget to purchase this system. While the software is in the testing mode, it will be linked to the payroll system.



**Finding: DHR Should Review Automated Personnel Information Systems of Other Agencies**

The Civil Grand Jury surveyed a number of federal agencies and one private business to review their use of technology to simplify work.

OPM, the agency responsible for the 2 1/2 million-person federal workforce, has made great strides in automating a number of recruitment and hiring functions. Driven by government-wide downsizing, the agency used technology to achieve increased efficiencies while reducing cost. By automating the hiring and application screening process, OPM was able to cut its manual operation between one-third and one-half.

OPM will sell its services to other government agencies and to private industry. Customers have included governments of California, Michigan, New Jersey, and Colorado, the District of Columbia and Portland, Oregon.

The Department of the Interior (DOI) has a dual payroll and personnel processing system and provides computer services for a number of federal agencies.

The Social Security Administration (SSA) in the Western states has had hiring requisitions electronically initiated and processed for more than five years. In 1997, SSA nationwide will convert to the DOI system. DOI's customer roll of 60,000 employees will then grow to 125,000.

The Department of the Navy has an automated classification system that performs many functions of a personnel staffing specialist. It can produce written position descriptions and determine job classification and ranking levels. The system is menu driven and requires only input of the critical job elements.

Chevron, as is true of most large corporations, has a computerized employee personnel file that is linked up with payroll.

**Responses**

*Mayor's Office  
September 30, 1997*

The Mayor's Office agrees with this finding.



***Civil Service Commission***

***October 22, 1997***

The Commission partially agrees with this finding and encourages the Department of Human Resources to explore these possibilities. The Commission will assist in any way possible.

***Department of Human Resources***

***October 28, 1997***

The DHR agrees with this finding.

**Recommendation 20: DHR Should Visit Other Agencies with Automated Personnel Systems**

The DHR should contact or visit other governmental agencies or private companies which have automated personnel systems to determine if hardware or software could be shared. It could also learn from their problems and successes.

**Responses**

***Mayor's Office***

***September 30, 1997***

The DHR has partly implemented this recommendation. This is a multi-year project. However, DHR has consulted and will continue to consult with other jurisdictions regarding HRIS implementations. DHR has been in contact with East Bay Municipal Utility District, Contra Costa County, Alameda County, City of Oakland, City of Phoenix, City of Tucson and other public jurisdictions. DHR also intends to visit those agencies identified in the Grand Jury report.

***Civil Service Commission***

***October 22, 1997***

The Commission agrees with this recommendation and encourages the Department of Human Resources to explore all viable options.

***Department of Human Resources***

***October 28, 1997***

The DHR agrees with this recommendation. This is a multi-year project. However, we have and will continue to consult with other jurisdictions regarding HRIS implementations. We have been in contact with East Bay Municipal Utility District,

Contra Costa County, Alameda County, City of Oakland, City of Phoenix, City of Tucson and other public jurisdictions. We also intend to visit those agencies identified in the Grand Jury report.

**Recommendation 21: Mayor and Board of Supervisors Should Visit Other Agencies with Automated Personnel Systems**

Similarly, the Mayor's Office and the Board of Supervisors should conduct on-site visits to organizations that have used and applied technology successfully. This experience would aid them in deliberations on budget decisions involving information technology.

**Responses**

*Mayor's Office*

*September 30, 1997*

The DHR has no comment

*Civil Service Commission*

*October 22, 1997*

The Commission is unable to comment on this recommendation.

*Department of Human Resources*

*October 28, 1997*

The DHR has no comment.

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**General Responses**

*Office of the City Attorney*

*May 29, 1998*

Implementation of the Grand Jury's recommendations with respect to the City hiring process are policy matters. As these recommendations do not involve legal issues, our office has no further information. However, where these departments encounter legal issues in implementing the Grand Jury's recommendations, this office provides advice in response to departmental inquiries.

***Civil Service Commission***

***May 28, 1998***

As described in the 1996-97 Grand Jury Report, the Department of Human Resources performs most of the functions of the hiring process; such as recruitment, examination, and certification. In its Rule making authority, the Civil Service Commission worked to provide support to the Department of Human Resources by identifying and prioritizing Rules, policies and procedural changes which will support the acceleration of the hiring process. The major goal of the Commission is to eliminate any barriers its Rules may present in streamlining the hiring process. The Commission has identified and completed this review and made a high priority, the implementation of changes to the certification rules, classification-related rules, rules for Americans with Disabilities Act (AD), and probationary period rule regarding "release." Two Civil Service Commission Rules changes have been completed, namely, Probationary Period and Rules Related to the Employment of Persons With Disabilities. Two classification related rules amendments have also been completed.

The Civil Service Commission completed the hiring of a Commission Labor Negotiator who is dedicated to processing Civil Service Commission Rules changes which could affect hiring practices. Meet and confer sessions on proposed Rules amendments began in late 1997 as indicated in the initial Grand Jury Report response. Meet and confer sessions have been completed which have resulted in the adoption of Rules changes. The Commission continues to proceed with proposed Rules changes that have been identified as goals and priorities by the Rules Advisory Committee to streamline and support the acceleration of the hiring process.

***Department of Telecommunications and Information Services***

***May 6, 1998***

We have reviewed the Civil Grand Jury's assessment and recommendations in this area and concur with their view that it is imperative that the Civil Service System, and particularly the hiring process, be moved into an automated environment as expeditiously as is possible. Since the Report was written, several significant steps have been taken which indicate a commitment to this goal among all the participating departments.

- In the first quarter of 1998, The Department of Human Resources (DHR) implemented an automated system, called SIGMA, which performs certifications and applicant tracking.
- DTIS and DHR are engaged in a current joint effort to build an Extranet function to automate requisition processing.

- A request for Proposals was issued for a Citywide Automated Personnel System. A team response from Peoplesoft, BIT and KPMG Peat Marwick is currently under consideration. Discussions between DHR and DTIS are in progress to determine what role DTIS can most effectively play in this project.
- Other cities and counties in California and elsewhere have been contacted, and there is ongoing dialog regarding experiences with vendors, system design and system implementation.

## **Chapter 5**

### **Workers' Compensation Program**

#### **Background**

The City and County of San Francisco has invested considerable money and staff time in efforts to control its workers' compensation (WC) costs; however, total WC expenditures have continued to climb. Annual WC cost exceeded \$63,000,000 in 1996.

The 1996-1997 Civil Grand Jury reviewed four elements of the WC program. These elements had also been examined in previous studies conducted by the Board of Supervisors' Budget Analyst and the City's Workers' Compensation Task Force (WCTF), as well as other observers.

1. The salary continuation and salary supplementation benefits available to City workers temporarily disabled due to a job related injury or illness.
2. The absence of financial incentives for City departments and employees to contain or reduce workers' compensation costs.
3. Return to Work (RTW) programs.
4. The Workers' Compensation Division's (WCD) administration of contracts with service providers.

The Grand Jury concluded that the City should review its full salary continuation and salary supplementation policies and stop compensating employees more when not working than when working. The City should also implement a citywide RTW program; recognize and reward departmental and individual employee efforts to contain or reduce WC costs; and regularly review its contracts with service providers to ensure they are operating as efficiently and effectively as possible.

#### **Results**

The Civil Grand Jury made 9 recommendations and required responses from the following:

Mayor  
Board of Supervisors  
Department of Human Resources  
Controller  
Civil Service Commission

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## **Financial Disincentives to Returning to Work**

### **Finding: Employees Receive Higher Net Income Under Workers Compensation**

City employees can receive higher net incomes when they are unable to work due to a job-related injury or illness than when they are working. This result of salary continuation and WC supplementation benefits is counterproductive. The general opinion among many City managers and other officials very familiar with the program is that the existing provisions allowing for full salary continuation and WC supplemental benefits operate as disincentives to returning to work as soon as possible. Consequently, employees may be off the job longer than necessary, resulting in lost productivity. These practices tend also to have a demoralizing effect on working employees.

#### **Responses**

##### ***Civil Service Commission***

***October 22, 1997***

The Commission agrees with this finding. Because Workers' Compensation benefits are not taxable, allowing supplementation of Workers' compensation benefits with sick leave with pay or vacation credits often resulted in an employee receiving higher net or take home pay. Once this inadvertent effect of a benevolent program was realized, the Commission made several attempts to change this misapplication; however, this effort got bogged down in the meet and confer process. Now, this issue is, principally, a matter of collective bargaining which the City must negotiate at the bargaining table. There are only a handful of employees remaining covered by the Civil Service Commission Rules on Workers' Compensation supplementation. The Commission has this change on its list of proposed Rules amendments and will make every effort to modify the Rules so that employees insured on the job receive no more than net pay as a result of supplementation. The Commission will assign this change high priority and will re-post it in January 1998 for meet and confer in the following months.

##### ***Civil Service Commission***

***May 28, 1998***

As indicated in the initial response to the Grand Jury report, only a handful of employees remains covered by the Civil Service Commission Rules on Workers' Compensation supplementation. The Commission staff is actively participating with the City's negotiators to modify negotiable portions of the Rules that become part of the collective bargaining agreement so that employees receive no more than net pay as a result of supplementation. Financial disincentives to returning to work proposals are no longer in the purview of the Civil Service Commission; the practice of supplementation is in the collective bargaining process.



**Recommendation 1: Determine if City Should Provide Full Salary Benefits**

In light of the financial disincentive to return to work these practices create, the City should determine whether it is in the public's best interest to continue providing full salary continuation and salary supplementation benefits.

**Responses**

***Mayor's Office***

***September 30, 1997***

The Mayor's Office concurs with this recommendation but DHR can not implement it. Any adjustments to the current system require agreement with the unions. Additionally, the State Labor Code requires full salary continuation for safety officers. Teachers are covered by the State Constitution and their labor agreements.

***Civil Service Commission***

***October 22, 1997***

The Commission agrees with this recommendation; however, this is, generally, no longer a matter in the purview of the Civil Service Commission. The City must eliminate or modify the practice of supplementation at the bargaining table.

***Department of Human Resources***

***October 28, 1997***

The DHR concurs with this recommendation but cannot implement it. Any adjustments to the current system require agreement with the unions. Additionally, the State Labor Code requires full salary continuation for safety officers. Teachers are covered by the State Constitution and their labor agreements.

***Department of Human Resources***

***June 5, 1998***

The Department of Human Resources concurs with this recommendation. We have eliminated full salary continuation and salary supplementation in all contracts negotiated this year. However, the State Labor Code continues to require full salary continuation of public safety officers.

**Recommendation 2: Discontinue Benefits Which Provide Higher Net Income When Not Working**

The City should, at a minimum, discontinue all salary continuation or supplementary benefit practices which result in employees' receiving a higher net income when not working, an obvious disincentive to return to work.

**Responses**

***Mayor's Office***

***September 30, 1997***

The Mayor's Office concurs with this recommendation but can not implement it. This item is subject to collective bargaining and, therefore, unlikely to change substantially in the near term.

***Civil Service Commission***

***October 22, 1997***

The Commission agrees with this recommendation and will urge the Department of Human Resources to pursue this in the collective bargaining process.

***Department of Human Resources***

***October 28, 1997***

The DHR concurs with this recommendation but cannot implement its This item is subject to collective bargaining and, therefore, unlikely to change substantially in the near term.

***Department of Human Resources***

***June 5, 1998***

Please refer to our response to Recommendation #1.

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**Use of Department Budgets to Provide Incentives to Reduce WC Costs**

**Finding: No Incentives to Contain Workers Compensation Costs**

The City is not using the budget process to provide department heads, managers, and employees with incentives to contain WC costs. There is no citywide process for financially rewarding efforts which may have lowered or contained WC costs.

## **Responses**

### ***Civil Service Commission***

***October 22, 1997***

The Commission agrees with this finding and urges the appropriate City authorities and policy makers to establish an incentive program for City Managers. Such a program may be coordinated with the pay-for-performance program now being implemented under the contract with the Municipal Executives Association.

## **Recommendation 3: Develop Financial Incentive Program to Contain WC Costs**

The City should develop a financial incentive program to recognize exceptional efforts or outstanding accomplishments made by departments to contain or reduce their WC costs. The City should reward departments that show positive results from cost containment efforts by allowing them to retain in their budgets a portion of the monies saved. Departments should be permitted to use the retained funds to enhance or expand WC cost-containment practices, or to support other department activities not directly related to WC.

## **Responses**

### ***Mayor's Office***

***September 30, 1997***

This recommendation requires further analysis. This is a policy matter that should be carefully evaluated with attention focused on issues of equity and fairness for smaller departments. Within three months the DHR will prepare a position paper and hold discussions with department representatives to determine the feasibility of this proposal.

### ***Civil Service Commission***

***October 22, 1997***

The Commission agrees with this recommendation and believes that it could be implemented, in part, as a component of the pay-for-performance program currently being instituted for most managers. The Commission will consider such a program for those departments under elected officials whose salary and benefits the Civil Service Commission sets. However, the Commission must discuss this issue with the City Attorney to insure that the Commission may implement such a program for elected officials. The Commission begins the salary and benefit process for elected officials in January of each year and has asked the City Attorney to address the Commission before that date. The proposal that all departments retain in their budget a portion of funds

saved must be implemented by the Mayor, the Board of Supervisors, and the Controller.

***Controller's Office***

***May 8, 1998***

Somewhat agree. The City has initiated a budget incentive program in the last two years that values and rewards budget cost containment of any type, including workers comp. Innovative programs in workers comp are eligible for funds from this program. I am not sure that a specific incentive program need be set up specifically for each issue like workers comp.

***Department of Human Resources***

***October 28, 1997***

This recommendation requires further analysis. This is a policy matter that should be carefully evaluated with attention focused on issues of equity and fairness for smaller departments. Within three months the DHR will prepare a position paper and hold discussions with department representatives to determine the feasibility of this proposal.

***Department of Human Resources***

***June 5, 1998***

The WC Manager was assigned to responsibilities in the Health Service System during this period and, therefore, was unable to devote any time to this item. A practicable timeframe for completion of the position paper and discussions with department representatives regarding feasibility of the proposal would be November 20, 1998.

**Recommendation 4: Support Citywide Financial Incentive Program to Contain WC Costs**

The City should consider setting aside funds to support a citywide financial incentive program to reward cost-containment and -reduction success in the WC program. All organizational units or individual employees in any department should be encouraged to participate in such a financial incentive program. Following established criteria, the program should recognize exceptional efforts or outstanding accomplishments in containing or reducing WC costs.

## **Responses**

### ***Mayor's Office***

***September 30, 1997***

This recommendation requires further analysis. The DHR believes that incentives should be directed toward injury prevention. Within three months the DHR will prepare a position paper and hold discussions with department representatives to determine the feasibility of this proposal.

### ***Civil Service Commission***

***October 22, 1997***

The Commission agrees with this recommendation and believes that such a program may be tied to the pay-for-performance program covering most City managers.

### ***Controller***

***May 8, 1998***

Please refer to our response to Recommendation #3.

### ***Department of Human Resources***

***October 28, 1997***

This recommendation requires further analysis. The DHR believes that incentives should be directed toward injury prevention. Within three months the DHR will prepare a position paper and hold discussions with department representatives to determine the feasibility of this proposal.

### ***Department of Human Resources***

***June 5, 1998***

Please refer to our response to Recommendation #3.

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## **Return to Work Programs (Modified Duty Program)**

### **Finding: No Citywide Return to Work Programs**

The City has still not implemented a citywide RTW program. The City's WCTF prepared a plan for a RTW program in 1994, but it was never implemented. Substantial savings in WC costs will be achieved by helping injured employees return to work as quickly as



possible by offering modified duty assignments through an effective, citywide RTW program.

### **Responses**

#### ***Mayor's Office***

***September 30, 1997***

The Mayor's Office partially agrees with this finding. The level of potential savings remains uncertain.

#### ***Civil Service Commission***

***October 22, 1997***

The Commission agrees with this finding. The last proposal for a citywide return-to-work program was in the form of a Civil Service Commission Rules change. The Commission will work with the Department of Human Resources to determine the best mechanism to implement a return-to-work program whether through a Civil Service Commission Rule, an ordinance, or a Department of Human Resources procedure. While there certainly are major labor relations implications in implementing a return-to-work program, there are no civil service impediments to such a program. The Commission will request a report on this subject from the Human Resources Director in January 1998.

#### ***Department of Human Resources***

***October 28, 1997***

We partially agree with this finding. The level of potential savings remains uncertain.

### **Recommendation 5: Implement Return to Work Program**

The City should, at the earliest possible time, implement an effective, citywide RTW program similar to that developed by the Return-To-Work subcommittee of the City's WCTF. Experience clearly indicates that RTW programs reduce fraudulent claims and help employees return to their regular jobs faster. Furthermore, no additional costs accrue to the City for the work these employees perform.



## **Responses**

### ***Mayor's Office***

***September 30, 1997***

This recommendation requires further analysis. Within three months the DHR will hold discussions with department representatives to determine the best strategies for achieving this outcome, while recognizing the need to collectively bargain the issue.

### ***Civil Service Commission***

***October 22, 1997***

The Commission agrees with this recommendation and will work with the Department of Human Resources, and any other City entity, to realize this recommendation.

### ***Civil Service Commission***

***May 28, 1998***

The Commission continues to work with the Department of Human Resources to determine the best mechanism to implement a return-to-work program whether through a Civil Service Commission Rule, an ordinance, or a Department of Human Resources procedure.

### ***Department of Human Resources***

***October 28, 1997***

This recommendation requires further analysis. Within three months the DHR will hold discussions with department representatives to determine the best strategies for achieving this outcome, while recognizing the need to collectively bargain the issue.

### ***Department of Human Resources***

***June 5, 1998***

Please refer to our response to Recommendation #3.

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## **Contracting**

### **Finding: No Monitoring of WC Program Contractors**

The WCD does not regularly, consistently or formally monitor, assess or audit the performance of its WC program contractors, or measure their efficiency and effectiveness

in meeting the City's expectations. Because of the lack of systematic monitoring and assessment, the WCD is unable to evaluate if its funds are being well spent.

**Responses**

*Civil Service Commission*

*October 22, 1997*

The Commission is unable to comment on this finding and defers to the Department of Human Resources for response.

**Recommendation 6: Monitor and Audit All WC Contractors**

The WCD should regularly monitor, assess and audit all of its contracts in a consistent and formal manner to ensure that they are conducted effectively, efficiently, and in accordance with their terms and conditions.

**Responses**

*Mayor's Office*

*September 30, 1997*

The DHR is implementing this recommendation this year, as a part of WCD's fiscal year work plan.

*Civil Service Commission*

*October 22, 1997*

The Commission is unable to comment on this recommendation and defers to the Department of Human Resources for response.

*Department of Human Resources*

*October 28, 1997*

The DHR is implementing this recommendation this year, as a part of WCD's fiscal year work plan.

*Department of Human Resources*

*June 5, 1998*

Comprehensive Requests For Qualifications are being issued for a broad range of related services and the Department is assessing both performance and pricing aspects of these services.

**Finding: No Evaluation of Claims Functions of Workers Compensation Division and WC Contractor**

The City has not evaluated how well the WCD and Noetics (FIRM Solutions) have administered the WC claims assigned to them.

**Responses**

*Civil Service Commission*

*October 22, 1997*

The Commission is unable to comment on this finding and defers to the Department of Human Resources for response.

**Recommendation 7: Evaluate WCD and WC Contractor**

The City should evaluate how well the WCD and the current private contractor have managed their respective claims administration functions. Based on that evaluation, the City should determine whether in-house or contracted claims administration is in the best interest of the City and its WC program.

**Responses**

*Mayor's Office*

*September 30, 1997*

The DHR is implementing this recommendation this year, as a part of WCD's fiscal year work plan.

*Civil Service Commission*

*October 22, 1997*

The Commission is unable to comment on this recommendation and defers to the Department of Human Resources for response.

*Department of Human Resources*

*October 28, 1997*

The DHR is implementing this recommendation this year, as a part of WCD's fiscal year work plan.

***Department of Human Resources***

***June 5, 1998***

Now underway is the issuance of Comprehensive Requests for Qualifications concerning the full spectrum of contracted services. An evaluation of claims administration will be performed as part of the competitive procurement process. During the next four months, qualified vendors will be bidding on the following services: investigations, medical case management, offsite storage and retrieval, qualified rehabilitation representatives, diagnostic imaging, claims auditing, copy service, etc.

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**Finding: Contract Needs to Be Competitively Bid**

The Noetics (FIRM Solutions) contract has not been conducted as anticipated. The contract is in its fifth year and has not been competitively bid since inception. Each time the WCD fails to offer a contract for competitive bidding, it forfeits the potential to obtain services for less money.

**Responses**

***Mayor's Office***

***September 30, 1997***

The Mayor's Office partially agrees with this finding. The FIRM Solutions contract is in place.

***Civil Service Commission***

***October 22, 1997***

The Commission is unable to comment on this finding and defers to the Department of Human Resources for response.

***Department of Human Resources***

***October 28, 1997***

The DHR partially agrees with this finding. The FIRM Solutions contract is in place.

**Recommendation 8: Avoid Long Extensions of WC Contracts**

The WCD should avoid long extensions of the termination dates of contracts which were once competitively bid.

## **Responses**

### ***Mayor's Office***

***September 30, 1997***

The Mayor's Office agrees with this concept. However, from a practical perspective, services rendered through this program are statutorily mandated and must be provided on a continuous basis. Program complexity requires long lead time for transitioning between vendors.

### ***Civil Service Commission***

***October 22, 1997***

The Commission is unable to comment on this recommendation and defers to the Department of Human Resources for response.

### ***Department of Human Resources***

***October 28, 1997***

The DHR agrees with this concept. However, from a practical perspective, services rendered through this program are statutorily mandated and must be provided on a continuous basis. Program complexity requires long lead time for transitioning between vendors.

### ***Department of Human Resources***

***June 5, 1998***

The previous response to this recommendation remains applicable. However, the Department of Human Resources is taking the lead time requirements into account and will be able to ensure program continuity in the event that there is a change from any of the current vendors.

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## **Finding: Vocational Rehabilitation Coordinator and Medical Coordinator Are Inappropriate Contractor Functions**

The employment arrangements of the Vocational Rehabilitation Coordinator and the Medical Coordinator are inappropriate since the contractors function as WCD staff and perform services which are permanent in nature. This same problem was highlighted in the Budget Analyst's management audit three years ago.



## **Responses**

### ***Civil Service Commission***

***October 22, 1997***

The Commission is unable to comment on this finding and defers to the Department of Human Resources for response. However, the Commission as a matter of policy believes that any on-going City work should be performed by permanent civil service employees rather than contractors.

## **Recommendation 9: Evaluate Positions and Determine if They Should Be Contracted or Hired as Part of City Merit System**

The positions of Vocational Rehabilitation Coordinator and Medical Coordinator should be evaluated by the WCD. If they are necessary, they should be properly classified and filled through the City's competitive merit system, or, if the City is best served by contracting for these services, an open competitive bidding process should be followed.

## **Responses**

### ***Mayor's Office***

***September 30, 1997***

The DHR has implemented this recommendation. The City approved new positions for these functions in fiscal year 1997-98. DHR is now evaluating the appropriate classifications for these positions.

### ***Civil Service Commission***

***October 22, 1997***

The Commission agrees with this finding and supports the proposition that any on-going City work should be performed by regular civil service employees.

### ***Department of Human Resources***

***October 28, 1997***

The DHR has implemented this recommendation. The City approved new positions for these functions in Fiscal Year 1997-98. We are now evaluating the appropriate classifications for these positions.

***Department of Human Resources***

***June 5, 1998***

Completion of the classification action is imminent for the approved positions added to the WCD budget this year and recruitment to fill them through the city's competitive merit system is scheduled to take place before the end of June.



## **Chapter 6**

### **San Francisco County Jail No. 7**

#### **Background**

Each Civil Grand Jury is required by state law to "inquire into the condition and management of the public prisons within the county." (Penal Code §919(b)) The 1996-1997 Civil Grand Jury focused its investigation on the construction of Jail No. 7 and the consequent problems.

No provisions were made in the design and construction of Jail No. 7 for food or laundry services, so it depends on Jail No. 3 to supply them. Jail No. 3 must continue to function or its replacement be put into operation in order for Jail No. 7 to be viable.

The San Francisco Sheriff's Department (SFSD) continues to expend a disproportionate amount of resources to maintain Jail No. 3 at minimally acceptable levels so that it can remain open and functioning. The facility's age and general condition makes this a never-ending task. The City needs to decide either to overhaul or replace this facility.

#### **Results**

The Civil Grand Jury made 16 recommendations and required responses from the following:

Mayor  
Board of Supervisors  
San Francisco Sheriff's Department  
Department of Public Works  
Capital Improvements Advisory Committee  
City Attorney  
Department of Public Health  
California Board of Corrections

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#### **Finding: Jail No. 3 Needs to Be Maintained and Kept Open**

The cost effectiveness, and even the viability, of Jail No. 7 would be seriously jeopardized if Jail No. 3 became non-operational and was not replaced near its present site, because food and laundry services would still be needed for Jail No. 7. The closing of Jail No. 3

would, therefore, mean the effective closing of two jails, and require the replacement of both, although Jail No. 7 has years of remaining usefulness if the leaks are eliminated.

## **Responses**

### ***Mayor's Office***

***September 30, 1997***

I disagree that the closing of one jail would be the effective closing of two jails. It would certainly increase the burden on jails that remained opened, but there would not be a requirement that every prisoner from the closed facility would have to go to one facility.

### ***Office of the City Attorney***

***October 7, 1997***

The City Attorney agrees with the first sentence of this finding. The City Attorney disagrees with the second sentence because the closing of Jail No. 3 would only effectively close Jail No. 7 if no replacement is built prior to closing Jail No. 3, or other arrangements are not made to provide kitchen and laundry services to Jail No. 7.

### ***Office of the City Attorney***

***May 29, 1998***

The Grand Jury's report on Jail No. 7 raised a number of concerns about that facility. In our response to the Grand Jury's report, we noted that the City has developed a plan for replacement of Jail No. 3. Construction of a replacement for Jail No. 3 will address a number of the concerns about Jail No. 7, including those related to providing adequate kitchen and laundry services. We also attached a copy of the City's plan to replace Jail No. 3. to our October 7, 1997 response to the Grand Jury's report.

Implementation of the plan is on schedule. Funds have been allocated for preliminary work on the project, and the first public hearing on the Environmental Impact Report for the project was held on March 30, 1998. In addition, the City is about to send out a request for proposals from design/build/finance teams for construction of the replacement facility.

## **Recommendation 1: Use Jail No. 3 to Provide Services for Jail No. 7**

SFSD should continue to take actions to enable Jail No. 3's kitchen and laundry operations to meet the needs of Jails 3 and 7, while being in compliance with health and safety codes. (The Civil Grand Jury did not investigate the possibility of constructing a separate facility adjacent to Jail 7 to provide food and laundry services. However, the cost of building and

running such a facility as well as security issues in respect to the inmates who provide most of the labor for food and laundry services appears to make this solution impractical.)

## **Responses**

### ***Mayor's Office***

***September 30, 1997***

The Sheriff can more appropriately respond to this. The idea seems like a reasonable one.

### ***Office of the City Attorney***

***October 7, 1997***

Although the continued operation of Jail No. 3 is a policy issue for the Sheriff's Department, it is the City Attorney's understanding that the Sheriff's Department is continuing to take action to enable Jail No. 3 to meet the kitchen and laundry needs of both Jails No. 3 and No. 7 until such time as a replacement for Jail No. 3 is constructed. The planned replacement for Jail No. 3 would include kitchen and laundry services for the entire City jail system. The City's plan for replacement of Jail No. 3 is described in a document recently submitted to the U.S. District Court in San Francisco in connection with litigation over the conditions at Jail No. 3.

### ***Department of Public Works***

***September 28, 1997***

There is a design/build/finance proposal to replace County Jail No. 3 that should also resolve the operational needs of County Jail No. 7.

### ***Department of Public Works***

***May 29, 1998***

Programming and schematic design for the new jail that will replace County Jail No. 3 has been completed. Currently proposals are being solicited from five design build finance teams. The new jail facility will include state of the art kitchen and laundry facilities that will serve the entire San Francisco Sheriff's Department system of 2,500 inmates. The new facility will also serve to resolve operational needs of Jail No. 7.

### ***Office of the Sheriff***

***September 28, 1997***

\$100,000 has been allotted in this year's budget to purchase and install new kitchen equipment and repair the floor.



## **Recommendation 2: Advocate for Funds to Keep Jail #3 Operational**

In the near term, SFSD should continue to educate the City's Capital Improvements Advisory Committee (CIAC) and others involved with the budgetary process, and to advocate for funds to keep Jail No. 3 operational.

### **Responses**

#### ***Mayor's Office***

***September 30, 1997***

The Sheriff can more appropriately respond to this. The problem is that at some point facilities that have become obsolete must be closed down. One cannot continue to patch the roof or the pipes forever.

#### ***Office of the City Attorney***

***October 7, 1997***

This recommendation raises a policy matter for the Sheriff's Department. However, as discussed above, the City Attorney notes that the City is proceeding with a plan to replace Jail No. 3.

#### ***Department of Public Works***

***September 28, 1997***

DPW has developed criteria adopted by CIAC to establish adequate budgets, including operational life cycle cost considerations.

#### ***Department of Public Works***

***May 29, 1998***

See response to Recommendation #1.

#### ***Office of the Sheriff***

***September 28, 1997***

Agree.

## **Recommendation 3: Conduct Study of Jail #3**

A study should be conducted to determine what, if any, action can be taken to keep Jail No. 3 operating. The study should compare the cost of operating Jail No. 3 with the cost of constructing a new jail in the immediate area, and ascertain potential sources of funds to overhaul Jail No. 3 or construct a new jail. These should include federal and state funds, as well as money from the City's General Fund and/or a bond measure.

## **Responses**

### ***Mayor's Office***

***September 30, 1997***

I am not sure that a study is the way to go. First of all, they can be quite costly and second, there have been many studies done on a wide variety of topics, yet precious little has actually been accomplished as a result. It is not necessary to do a study to tell us where to get state and federal funding. We know where the money is, the issue is getting the various state and federal sources to give us the money. A bond issue is probably not the way to go either because it is unlikely people will support another jail.

### ***Office of the Sheriff***

***September 28, 1997***

These considerations are part of the City's EIR and construction review process as it contemplates construction of a replacement jail at the San Bruno site.

### ***Department of Public Works***

***September 28, 1997***

We fully support any action that would lead to the successful replacement of County Jail No. 3 and improvement of conditions within the entire County Jail system.

### ***Department of Public Works***

***May 29, 1998***

See response to Recommendation #1.

### ***Office of the City Attorney***

***October 7, 1997***

This recommendation raises a policy matter for the Sheriff's Department. However, the City Attorney understands that the Sheriff and other City departments have determined that the most cost-effective solution to the issues surrounding Jail No. 3 is to replace that jail with a new jail in the same area.

### **Finding: Record Keeping for Jail No. 7 Needs Improvement**

The record keeping within both the Sheriff's Bureau of Building Services personnel (SBBS) and Department of Public Works (DPW) Construction Management concerning the construction of Jail No. 7 and the consequent problems was inadequate.

#### **Responses**

##### ***Mayor's Office***

***September 30, 1997***

I am unaware whether these agencies kept sufficient records.

##### ***Office of the City Attorney***

***October 7, 1997***

The City Attorney lacks adequate information with which to respond to the Grand Jury's findings concerning record keeping.

##### ***Office of the City Attorney***

***May 29, 1998***

This office has no further information about the Grand Jury's recommendation concerning recordkeeping policies for construction project files. The remaining recommendations in the report on Jail No. 7 concern departmental policy matters.

##### ***Department of Public Works***

***May 29, 1998***

DPW has instituted project management and construction management procedures for all projects that include complete and thorough record keeping. Records are maintained for a minimum of ten years with longer periods for key city facilities.

### **Recommendation 4: Maintain Notes of All Meetings**

SFSD and DPW should mandate note-taking during all conversations, meetings, and other activities, no matter how trivial they may appear to be at the time. Such notes should always include the name of participants, date, and times as well as subjects discussed.

## **Responses**

### ***Department of Public Works***

***September 28, 1997***

Project Managers usually keep good records, but it not always possible to meticulously document all conversations, meetings and other activities. The Sheriff's Department and DPW have established weekly meetings to review progress and agreements on all projects. Both repair and capital improvement projects are reviewed, and decisions and deliberations are being fully recorded.

### ***Department of Public Works***

***May 29, 1998***

DPW has instituted project management and construction management procedures for all projects that include complete and thorough record keeping. Records are maintained for a minimum of ten years with longer periods for key city facilities.

## **Recommendation 5: Maintain Daily Log Book**

Involved department personnel should maintain a daily log book noting all significant activities and recapping the day's events.

## **Responses**

### ***Department of Public Works***

***September 28, 1997***

A daily log book, regularly updated, is a practical suggestion. It is standard operating procedure for all project staff to keep the best records possible.

### ***Department of Public Works***

***May 29, 1998***

See response to Recommendation #4.

### ***Office of the Sheriff***

***September 28, 1997***

Disagree. Although this is a good suggestion, it is not practical considering the workload of Department personnel.

## **Recommendation 6: Maintain Records of Each Project**

Records should be maintained by project, and should be readily accessible. If a record covers more than one project, sufficient copies should be made and placed in each appropriate project file.

### **Responses**

#### ***Department of Public Works***

***September 28, 1997***

DPW maintains records in storage rooms. However, requests for funding to improve and expand the present system have not survived the annual budget process. The practice of placing documents that cover more than one project in each of the individual project files is already in place.

#### ***Department of Public Works***

***May 29, 1998***

See response to Recommendation #4.

#### ***Office of the Sheriff***

***September 28, 1997***

Agree. Efforts will be made to follow this filing approach in the future.

## **Recommendation 7: Retain Records for at Least Five Years**

Project files, with records, should be maintained for at least five years after all problems attendant to a project have been resolved.

### **Responses**

#### ***Mayor's Office***

***September 30, 1997***

This recommendations is more appropriately addressed by the individual departments. It does appear that these recommendations are sound and would improve the efficiency of the departments. The departments, however, may wish to address record keeping problems in a different manner than that which has been suggested

***Office of the City Attorney***

***October 7, 1997***

While record retention policies are a matter of departmental policy, the City Attorney notes that in the absence of a written departmental policy imposing different requirements, the San Francisco Administrative Code requires that records be retained for a minimum of 5 years. (Admin. Code, Ch. 8). To the extent that this requirement applies to the records in question, they should be retained for a minimum of 5 years from the date of creation.

***Office of the City Attorney***

***May 29, 1998***

This office has no further information about the Grand Jury's recommendation concerning recordkeeping policies for construction project.

***Department of Public Works***

***September 28, 1997***

Project files in DPW are already maintained for at least ten years in accordance with State statute-of-limitations requirements

***Department of Public Works***

***May 29, 1998***

See response to Recommendation #4.

***Office of the Sheriff***

***September 28, 1997***

Agree. The Department already maintains records for at least five years.

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**Finding: Cost to Repair Leaks at Jail No. 7 Have Risen**

The leaks at Jail No. 7 might have been corrected at no cost to the City by having the contractor do the repairs during the warranty period. The leaks could have possibly been corrected by having the City Attorney take appropriate action. They could have possibly been corrected in 1991-1992 for \$40,000. The cost has now risen to \$400,000 due to the failures to take earlier action.



## **Responses**

### ***Mayor's Office***

***September 30, 1997***

The involved departments are in a much better position to address these findings. While leaks or other problems are handled much less expensively during a warranty period, there is no guarantee that problems will occur during the warranty.

### ***Department of Public Works***

***September 28, 1997***

Related to the leaks at Jail No. 7, it is unlikely that leaks may have been corrected at no cost to the City during the warranty period. The Sheriff's Department and DPW took proper action by requesting funding to make the repairs, which was denied.

### ***Office of the Sheriff***

***September 28, 1997***

I cannot agree or disagree with this finding because it is based entirely on speculation and conjecture.

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## **Finding: Bureau of Architecture Did Not Notify Project Manager of Unavailability of Funds**

Bureau of Architecture failed to notify the Project Manager that neither FEMA nor OES was going to approve funds for leak repairs.

## **Response**

### ***Office of the Sheriff***

***September 28, 1997***

This is more appropriately addressed by the Bureau of Architecture.

---

**Finding: Sheriff's Bureau of Building Services Did Not Notify Sheriff**

SBBS failed to notify the Sheriff or the Project Manager, and did not request direction after the August 5, 1991 memo was issued by the Bureau of Architecture.

**Responses**

*Office of the Sheriff*

*September 28, 1997*

SBBS did not notify me of the August 5, 1991 memo. It defies logic for the client, in this case, the Sheriff's Department, to be responsible for notifying one unit of the Department of Public Works of the determination reached by another unit of DPW. As the client Department, we rely on the DPW to keep us and other relevant parties informed and to provide us with direction.

---

**Finding: Project Manager Did Not Determine that Leaks Were Addressed**

The Project Manager failed to follow through after January 1990 to determine that the leaks were being addressed.

**Responses**

*Department of Public Works*

*September 28, 1997*

There was no further action that the Project Manager could pursue after funding was exhausted, the Contractor refused to make additional repairs, and the City Attorney's Office was notified.

DPW has no formal documentation that the City Attorney's office was informed of the leakage problem. However, the City Attorney's office may have given verbal direction after being contacted by the Project Manager or Sheriff's Department. Such communications in the field occur at times and are not always meticulously documented.

*Office of the Sheriff*

*September 28, 1997*

This is more appropriately addressed by the Department of Public Works.

**Recommendation 8: DPW Should Ascertain Facility is Functioning**

A DPW Project Manager should independently ascertain that a facility is functioning as contemplated, regardless of whether comments are received from the user.

**Responses**

*Office of the Sheriff*

*September 28, 1997*

This is more appropriately addressed by the Department of Public Works.

*Department of Public Works*

*September 28, 1997*

DPW's Bureau of Construction Management (BCM) conducts post-occupancy evaluations as part of the DPW Quality Assurance Program. However, the course of action remaining for the Project Manager at the end of a project may be limited.

*Department of Public Works*

*May 29, 1998*

DPW is now developing a system of effective post-occupancy evaluations to ensure that both, the facility is functioning as planned and that lessons learned on any one project are applied to future work.

**Recommendation 9: Sheriff Should Assess Facility**

Responsible SFSD personnel should make sure they are satisfied with repair and/or construction work performed and how a facility is functioning. They should immediately communicate any dissatisfaction to the DPW Project Manager.

**Responses**

*Department of Public Works*

*September 28, 1997*

DPW would greatly appreciate notification of any dissatisfaction with projects that are under our supervision.

***Department of Public Works***

***May 29, 1998***

DPW and Sheriff's Department personnel will be in close communication with both parties participating in post occupancy evaluations on projects such as the proposed county Jail No. 3 Replacement project.

***Office of the Sheriff***

***September 28, 1997***

Agree. The Sheriff's Department already attempts to do so.

**Recommendation 10: DPW Should Notify Contractor for Corrections**

The DPW Project Manager, with the advice and approval of the City Attorney, should provide written notice to the contractor, within the warranty period, of any issues requiring correction.

**Responses**

***Office of the City Attorney***

***October 7, 1997***

The procedures to be followed by DPW and the Sheriff's Department with respect to how defects are corrected are policy matters for these departments. The City Attorney has no control over the implementation of these recommendations. However, the City Attorney stands ready to advise these departments with respect to any legal issues concerning construction of departmental facilities.

***Department of Public Works***

***September 28, 1997***

It is standard operating procedure for our Project Managers to consult with the City Attorney's Office and notify the Contractor on contractual issues involving non-compliance.

***Department of Public Works***

***May 29, 1998***

DPW construction management policies require that correction notices are timely and are issued to the contractor during the warranty period.

***Office of the Sheriff***

***September 28, 1997***

This is more appropriately addressed by the Department of Public Works.

**Recommendation 11: DPW Personnel Should Notify DPW Project Manager of Problems**

DPW personnel who discover problems with a facility where DPW was involved, should notify the user and the DPW Project Manager immediately in writing. There should be written acknowledgment of receipt.

**Responses**

***Office of the City Attorney***

***May 29, 1998***

The Grand Jury's report made recommendations concerning the procedures followed by the City to correct leaks that have occurred at Jail No. 7. The Grand Jury recommended that DPW, with the advice of the City Attorney, should provide written notice to the contractor within the warranty period, of any issues requiring correction.

The City Attorney's Office has been working closely with DPW and the Sheriff's Department to develop procedures to resolve these construction issues. The City Attorney's Office has helped the departments implement procedures to assure timely departmental written demands on contractors and their performance bond sureties to correct nonconforming work and/or defective work still under warranty. These procedures have been utilized on several occasions during the past year with favorable results. The City Attorney's Office has been receiving notices of unresolved contract issues, and where necessary, the City Attorney's Office has advised DPW on providing notification to the contractor concerning construction that is defective or requires correction.

***Department of Public Works***

***September 28, 1997***

DPW has established a single point of contact for each client to make sure communications are clear at all levels within DPW.



***Department of Public Works***

***May 29, 1998***

Currently monthly project management updates are provided to all key stakeholders on projects. For the new jail facility these include the Sheriff, the Director of Public Works and representatives of the Mayor's office and the City Attorney's office so that upper management is kept continually informed on all critical issues DPW is now developing a system of effective post-occupancy evaluations to ensure that both, the facility is functioning as planned and that lessons learned on any one project are applied to future work.

***Office of the Sheriff***

***September 28, 1997***

This is more appropriately addressed by the Department of Public Works.

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**Finding: City Attorney Not Informed on Construction Problems**

The City Attorney was not informed or contacted for advice or assistance in respect to actions which could have been taken with the contractor, Federal Emergency Management Agency (FEMA), or California Office of Emergency Services (OES).

**Responses**

***Mayor's Office***

***September 30, 1997***

The involved departments are in a much better position to address these findings.

***Office of the City Attorney***

***October 7, 1997***

The City Attorney agrees with this finding.

**Recommendation 12: Appropriate Higher Management Should Be Notified of Contractual Problems**

DPW and SFSD should ascertain that all problems with facility construction and/or repair have been addressed completely and satisfactorily. Appropriate higher management at DPW and SFSD, as well as the City Attorney's Office, should be notified immediately in writing of unresolved contractual problems.



## **Responses**

### ***Office of the City Attorney***

***October 7, 1997***

The procedures to be followed by DPW and the Sheriff's Department with respect to how defects are corrected are policy matters for these departments. The City Attorney has no control over the implementation of these recommendations. However, the City Attorney stands ready to advise these departments with respect to any legal issues concerning construction of departmental facilities.

### ***Office of the City Attorney***

***May 29, 1998***

The Grand Jury recommended that the City Attorney's Office and higher management at DPW and the Sheriff's Department should be notified immediately of any unresolved contractual problems.

The City Attorney's Office has been working closely with DPW and the Sheriff's Department to develop procedures to resolve these construction issues. The City Attorney's Office has helped the departments implement procedures to assure timely departmental written demands on contractors and their performance bond sureties to correct nonconforming work and/or defective work still under warranty. These procedures have been utilized on several occasions during the past year with favorable results. The City Attorney's Office has been receiving notices of unresolved contract issues, and where necessary, the City Attorney's Office has advised DPW on providing notification to the contractor concerning construction that is defective or requires correction.

### ***Department of Public Works***

***September 28, 1997***

We agree that DPW and the Sheriff's Department should ascertain that all problems with facility construction and/or repair have been addressed completely and satisfactorily.

### ***Office of the Sheriff***

***September 28, 1997***

Agree. The Sheriff's Department already attempts to do so.

**Finding: Responsibility for Repair and Maintenance of Jails Needs to Be Further Defined**

The responsibilities detailed in the job descriptions for Sheriff's Captains who served as Facility Commander for Jail No. 7 and the Deputy Chief with responsibility for all of the jails make no mention for the maintenance and/or repair of jails. These employees do not believe it was or is their responsibility to see that the leaks were eliminated as this was and is the responsibility of SBBS.

There is no mention in the job description of either the Deputy Sheriff or the Lieutenant in SBBS of having responsibility for the repair or maintenance of jail facilities.

**Recommendation 13: Sheriff's Facility Commanders Should Have Responsibility for Repair and Maintenance of Jails**

Sheriff's Captains who are Facility Commanders and the Deputy Chief should have the responsibility for giving notification of areas of disrepair, and for following through with designated department personnel until resolution of any problems has been achieved. These responsibilities should be so reflected in their job descriptions.

**Responses**

*Department of Public Works  
September 28, 1997 & May 29, 1998*

To be addressed by Sheriff's Department.

*Office of the Sheriff  
September 28, 1997*

Agree, to the extent practical. Facility Commanders and Chief Deputies are responsible for operating the jails in compliance with state and federal law. They are highly qualified for these duties by training and experience. To take them away from these duties to perform construction management is a poor allocation of resources.

**Recommendation 14: Sheriff's Bureau of Building Services' Job Descriptions Should Specify Educational and Technical Qualifications**

The job description of SBBS staff responsible for overseeing construction, capital improvements, and/or repairs, should so reflect, and should specify appropriate educational and technical qualifications.

## **Responses**

***Department of Public Works  
September 28, 1997 and May 29, 1998***  
To be addressed by Sheriff's Department.

***Office of the Sheriff  
September 28, 1997***

Agree, however, the Sheriff's Department has never been adequately staffed with maintenance and repair classifications, therefore deputy sheriffs have had to assume larger roles in these areas.

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## **Finding: Leaks at Jail No. 7 Need Repair**

Unless corrected, the leaks at Jail No. 7 will continue to worsen and do more damage to the facility.

## **Responses**

***Mayor's Office  
September 30, 1997***

It is probably correct that the leaks will continue to worsen if they are not fixed.

***Office of the Sheriff  
September 28, 1997***

The leaks have already been corrected

## **Recommendation 15: Request for Fund to Repair Leaks Should Be Approved**

The \$400,000 request for funds to correct the leaks should be approved and made available for the coming budget year.

## **Responses**

### ***Mayor's Office***

***September 30, 1997***

It is not clear what the "coming budget" year is. The Sheriff's Department received \$2.5 million for facilities maintenance and capital in the current budget.

### ***Capital Improvements Advisory Committee***

***September 8, 1997***

The Capital Improvements Advisory Committee (CIAC) consists of representatives of various City departments, the President of the Board of Supervisors, the Controller, and the Mayor's Finance Director. The Mayor's Finance Director is the Chair of the Committee. The CIAC is an advisory body that prioritizes and recommends City-wide Capital Improvement and Facilities Maintenance programs (CIP/FM) to the Mayor and the Board of Supervisors.

The Sheriff's Department did request \$400,000 to repair water leaks at County Jail No. 7, as part of its CIP/FM Program for 1997-98. However, due to the City's funding constraints, this particular project did not receive a sufficiently high priority, and therefore, did not receive funding for 1997-98. For the Grand Jury's information, departments requested approximately \$306.6 million in CIP/FM projects for FY 1997-98. Only \$15.2 million was approved by the Board of Supervisors. With few exceptions, only those projects that had immediate fire and life safety hazards received funding for 1997-98.

It should also be noted that the Department is responsible for providing the CIAC with sufficient information that would assist the Committee with prioritizing Capital Improvement projects on a City-wide basis. The CIAC did not become aware of the Grand Jury investigation until after the 1997-98 budget process was completed, and therefore could not review and make any recommendation to the Board of Supervisors and the Mayor. The Sheriff's Department can request a supplemental appropriation from the Mayor and the Board of Supervisors to fund this project. At that time, the CIAC could review and recommend this project to the Mayor and the Board of Supervisors.

### ***Capital Improvements Advisory Committee***

***May 20, 1998***

For 1998-99, the CIAC did not recommend any funding for County Jail No. 7, including the repair of any water leaks, as detailed in the Grand Jury's 1996-97 report. While the Sheriff's Department did continue to request \$405,000 to repair water leaks

at County Jail No. 7 for 1998-99 (Dept Priority #9, CIAC Priority #3), the request was not considered due to other City-wide higher priority requests.

The Mayor's Office of Finance, as well as the CIAC, also note that the Sheriff's Department continues to carry relatively high balances in their existing projects. These existing balances could be reallocated to repair the water leaks at County Jail No. 7, if the problem is deemed a high enough priority by the Department.

***Department of Public Works***

***September 28, 1997***

We agree that the \$400,000 request for funds to correct the leaks should be approved and made available for the coming budget year.

***Department of Public Works***

***May 29, 1998***

It is our understanding that repair of the roof has been undertaken.

***Office of the Sheriff***

***September 28, 1997***

Disagree. The leaks have already been corrected, obviating the need to additional funds.

***Office of the Sheriff***

***May 28, 1998***

My budget request for fiscal year 1997-98 included \$400,000 to address the roof and wall leakage issues at County Jail No. 7 in the manner recommended by experts in the field of leak repair. My request was denied. Later that year, I used existing funding to purchase several buckets of roofing tar and directed staff to apply it to the roof leaks. We believe that the roof leaks have now been remedied.

That leaves us with leakage through the walls of the facility, which we will address in a similar manner as soon as it stops raining.

**Recommendation 16: Expedite Funds to Complete Repair**

The funds should be expedited and work commenced and completed before next season's rains do even more damage to Jail No. 7.



## **Responses**

### ***Mayor's Office September 30, 1997***

It is not clear what the "coming budget" year is. The Sheriff's Department received \$2.5 million for facilities maintenance and capital in the current budget

### ***Department of Public Works September 28, 1997***

We agree that the funds should be expedited and work commenced and completed before next season's rains potentially do even more damage to the structure.

### ***Department of Public Works May 29, 1998***

It is our understanding that repair of the roof has been undertaken. Leaks however have continued and repair of the seams is now being planned.

### ***Office of the Sheriff September 28, 1997***

Agree. The work has been completed.

### ***Office of the Sheriff May 28, 1998***

My budget request for fiscal year 1997-98 included \$400,000 to address the roof and wall leakage issues at County Jail No. 7 in the manner recommended by experts in the field of leak repair. My request was denied. Later that year, I used existing funding to purchase several buckets of roofing tar and directed staff to apply it to the roof leaks. We believe that the roof leaks have now been remedied. That leaves us with leakage through the walls of the facility, which we will address in a similar manner as soon as it stops raining.

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## **General Responses**

### ***Department of Public Health***

***October 17, 1997***

The Department of Public Health was interviewed by the Civil Grand Jury about Jail No. 3 and Jail No. 7, however the Health Department was not mentioned in either the finding or Recommendation section of the Jail report. As such, it would be inappropriate to comment on this section.

### ***Department of Public Health***

***June 8, 1998***

The Department of Public Health was not mentioned in either the Finding or Recommendation section of the Jail report.

### ***Department of Public Works***

***September 28, 1997***

Related to: "There have been serious water leaks noted at Jail No. 7 almost from the time it was first occupied in January 1989." / "...DPW did not maintain adequate records nor did they communicate effectively to remedy leak problems..."

In this portion of the GJR, there is no reference made to the Loma Prieta earthquake, which occurred after repairs were made to stop the building leaks at County Jail No. 7. Earthquake damage appeared to have occurred, but the Contractor refused to correct the damage, citing that leaks caused by a major seismic event were not covered by warranty. FEMA (Federal Emergency Management Agency) also refused to fund repairs. The Sheriff's Department and DPW could not take further action without additional funding.

Related to: "Water leakage appeared following rainstorms in January 1989..."

The sequence of events reported in the GJR is correct:

- The building leaked.
- The Contractor made remedial repairs.
- No leaks occurred during a water test observed by the Sheriff's Department.
- Loma Prieta Earthquake occurred in October 1989.
- The building leaked after October 1989.

Related to: "The DPW Project Manager did not follow-up to find out if the leaks had been eliminated."

The Project Manager's recollection of the situation is as follows:

- There was no remaining funding to repair the leaks.
- The Contractor refused to make further remedial repairs after the Loma Prieta Earthquake.
- The City Architect at the time was fully informed about the situation and did not direct the Project Manager to take any further action.
- The Sheriff's Department was fallow informed about the aforementioned matters and did not request additional action by the Project Manager.
- The City Attorney's Office was fully informed about the situation and chose not to pursue legal action against the Contractor or the Consultant Architect. Unfortunately, the Project Manager has no written documentation to confirm this, which is an indication that better records should have been maintained.

Related to: "In recent years City voters have defeated bond measures intended to raise funds to replace Jail No. 3 with a new jail near the current facility. There is currently no proposal for a bond measure or other endeavor to replace this jail."

There is a design/build/finance proposal to replace Jail No. 3.

The independent report dated April 1996 which is mentioned in the GJR states, "All three buildings exhibit significant leakage through cracks in the exterior concrete walls. The cracks in the roof parapet walls on the Learning Center and also Building 3 can allow direct migration penetration behind the roof covering flashing and systems. All need sealing." This statement is found on page 9 of the independent report.

This statement indicates that all concrete walls are subject to cracking, regardless of when or who constructed them, and that the cracks need routine maintenance, for which funding to the Sheriff's Department has been denied.

It is not certain where the \$400,000 estimate was derived, since DPW cannot find it in the independent report and therefore cannot address it. It is possible that eight years of maintenance neglects as referred to in the GJR, could have exacerbated the original problem and cost of repair.



## Chapter 7

### Recreation and Park Department Concessions

#### Background

The 1996-97 San Francisco Civil Grand Jury visited the city's five golf courses and reviewed various Recreation and Park Department (R&P) concession contracts that three predecessor juries of the past decade (1986-87, 1992-93, & 1993-94) had also examined. The Grand Jury found that R&P has failed to make the constructive changes previous juries recommended, such as enforcing those conditions of golf course contracts that require concessionaires to upgrade service and/or build or maintain various structures. The Jury also found R&P lax in long-term planning: R&P often allows contracts to approach or actually reach expiration without examining how well the concessionaire has adhered to contractual obligations or determining whether additional contract provisions might better satisfy both users' needs and budget considerations. R&P fails to include clauses in its concession contracts assessing sufficient penalties to encourage strict compliance. When lessees have consistently fallen short on their obligations, including even timely payment of monies due the city, R&P hasn't issued Requests for Proposals (RFPs) far enough in advance to ensure a smooth transition to new management.

Unlike most City entities, which *cost* taxpayers money, concessions such as those at the City's golf courses actually *earn* money for the general fund. Both residents and visitors use these facilities and may infer exactly how much pride San Francisco takes in its ownership of these properties by how the city takes care of them. The Grand Jury notes with regret that, in far too many instances, these inferences would be negative.

The Jury concludes that closer attention to concession contracts and upkeep of the facilities would enhance both the tangible and intangible value of these public assets.

#### Results

The Civil Grand Jury made 13 recommendations and required responses from the following:

Mayor  
San Francisco Board of Supervisors  
Recreation and Park Department  
Recreation and Park Commission  
Controller  
City Attorney

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## **Physical Conditions at Golf Course Structures**

### **Finding: Physical Conditions at Most Golf Courses Neglected**

Physical conditions at all but one of the golf courses showed neglect. Closer inspection revealed failures of maintenance or poor management in numerous areas, some merely aesthetically displeasing, others actually hazardous. Specific examples include the following: worn, torn, and stained carpeting; non-functioning locker-room showers and dirty restroom facilities; exposed, overflowing garbage cans; graffiti; poorly maintained cart storage sheds and driving ranges; missing soap and towels in a kitchen employee lavatory; inappropriate use of a recreational area to store construction debris; illegal indoor smoking area; mildew odor and unrefrigerated poultry, meat, and fish in a restaurant, and a missing sign for a hard-to-locate facility.

### **Recommendation 1: Establish Procedures for City Employees to Report Substandard Conditions**

R&P should establish a mandatory procedure to enable those City employees whose duties bring them to R&P facilities to report substandard conditions quickly and easily.

#### **Responses**

##### ***Mayor's Office***

***September 30, 1997***

Rec. & Park will implement by November 15, 1997 a comprehensive "Conditions Monitoring System" that will be able to solicit, track and resolve problems or issues from the public and department staff.

A checklist will be developed by November 15, 1997 by Rec. & Park and displayed at these facilities. Department management will be responsible to respond to and report on items raised by the general public. Checklist will be distributed to all employees. Copies of the public checklist will be displayed at all staffed Department facilities and will be forwarded to the appropriate Assistant Superintendent who's responsible for the facility to ensure that corrective action is taken. Issues relating to concession facilities will be forwarded to the Director of Property Management to ensure compliance with appropriate agreement terms.

Additionally, Rec. & Park Property Management staff will:

- Inspect each concession contract quarterly and evaluate and report on the conditions of each facility.
- Request and track food inspections by The Department of Public Health.



- Review duties and responsibilities of the concessionaire and the Department for each agreement with field staff prior to approval of each lease.
- The Director of Property Management will review and report on a monthly basis all issues to the Rec. & Park Finance and Administration Committee and the Commission.

***Recreation and Park Department***

***January 5, 1998***

The Department will implement a comprehensive Conditions Monitoring System. The purpose of this system will be to solicit, track and correct or resolve problems or issues from the public and Department staff. Procedures will be finalized by November 15 to fully implement this system.

First, this system will encourage the public to respond to the Department about departmental programs and facilities. This will be accomplished by developing a survey that will be available for the public to complete at each facility. Additionally, the public will be able to inform the Department of its comments via our interactive WEB site starting in early October. The monitoring of each comment and respective response, will be the responsibility of the appropriate Assistant Superintendent, who will report monthly to the Commission on the status of all public comments.

Second, mandatory reporting and an inspection system will be implemented for Department staff and management. This will include specific areas of review for each site visited. In addition, issues relating to concession facilities will be forwarded to the Director of Property Management to ensure compliance with appropriate agreement terms.

In addition to mandatory reporting of condition assessment by on-site and maintenance staff, a regular inspection system will be established so all facilities are inspected by Department management on the following schedule:

- Commissioner's: 10 facilities per quarter
- General Manager: 30 facilities per quarter
- Division Managers: quarterly each facility
- Assistant Superintendents: monthly each facility
- Area or Principal Supervisors: weekly each facility
- First line supervisors: weekly each facility

In Addition, Property Management will:

- Conduct quarterly inspection tours with field staff of each concession facility.



- Request, and monitor compliance with food inspections by the Department of Public Health.
- Review with field staff prior to approval of each lease the obligations of the lessee and the Department.
- Review with field staff, the lessee and Department obligations as each existing lease is analyzed and recorded into the Lease Monitoring System.
- The Director of Property management will review and report on any issues monthly to the Finance and Administration Committee.

### ***Recreation and Park Department***

***June 1, 1998***

The Department has implemented a Comprehensive Monitoring System. On November 9, 1997 the Department instituted an on site daily check list for all employees. The inspection form is completed daily by gardeners, recreation directors, and custodians. By sharing the responsibilities through out the week it ensures that the inspections do not become so routine that it does not have validation as to the repairs needed.

The inspections are completed weekly by assistant supervisors and or principal area supervisors. Monthly by assistant superintendents and superintendents. Quarterly by the general manager and the assessment teams.

The Department has in place a work order system that employees are required to complete and submit on a regular basis. It is the responsibility of staff to record and report hazards and follow-up with the appropriate supervisors to ensure work is completed. The on site monthly reports also have a section that identifies areas of concern and a column for date work orders were submitted and completed. The purpose is to track monthly outstanding maintenance and the response time to complete an assignment.

In addition to the Department wide activities described above the Director of Property Management and staff have made both scheduled and unscheduled visits to each facility several times each quarter, and have met off-site with Concessionaire's and on-site Department staff to discuss issues concerning each property. Property management routinely inspects the premises to identify areas of improvement and to determine if both the Department and concessionaire's are meeting contractual obligations. Any required improvements/issues are recorded on field reports and in the Property Management's computerized lease monitoring system to insure that issues are addressed. The Property Management Section would like to further refine both the report and the method for entering information to improve its efficiency and effectiveness. If work is required by the Department's Maintenance Yard, workorders are submitted As required, follow-up visits are made.

**Recommendation 2: Supervisory Personnel Should Regularly Inspect Facilities**

Supervisory personnel should regularly visit all facilities for which they have oversight responsibility to determine whether both R&P's and concessionaire's on-site staff are doing their jobs.

**Responses**

***Mayor's Office***

***September 30, 1997***

See response to recommendation #1

***Recreation and Park Department***

***January 5, 1998***

See response to recommendation #1

***Recreation and Park Department***

***June 1, 1998***

See response to recommendation #1

**Recommendation 3: Safety and Health Issues Should Be Reported to Other Departments and Concessionaire**

When on-site personnel report any maintenance problems that might affect safety, or health of either employees or users, R&P senior staff should promptly alert the appropriate City departments as well as the concessionaire.

**Responses**

***Mayor's Office***

***September 30, 1997***

See response to recommendation #1

***Recreation and Park Department***

***January 8, 1995***

See response to recommendation #1

***Recreation and Park Department***

***June 1, 1998***

See response to recommendation #1

**Finding: Staff Not Required to Report Non Compliance With Contracts**

R&P does not require both on-site and supervisory personnel to keep a check-list of contract provisions for maintaining the City's facilities in order to detect lapses and alert those responsible for seeing they are corrected in a timely fashion.

**Recommendation 4: Train Staff to Follow Up on Problems**

R&P should train staff at all levels to follow up on all reported problems and make certain they have been fully corrected within a reasonable amount of time.

**Responses**

***Mayor's Office***

***September 30, 1997***

Department policy will be to investigate all reported problems within five working days, and resolve (except for issues requiring extensive capital expenditures) within 15 working days. All Assistant Superintendents will be required to keep a log of all reports and submit a written monthly report to the Rec. & Park Planning Committee of the Commission.

***Recreation and Park Department***

***January 5, 1998***

Department policy will be to investigate all reported issues/problems within five working days, and resolve and respond within 15 working days. The appropriate Assistant Superintendent and director of Property Management will be required to keep a log of all reports and submit a written report monthly to the Recreation, Parks and Planning Committee of the Commission.

***Recreation and Park Department***

***June 1, 1998***

Department staff have attended a three day training seminar on accepting change and the importance of understanding the role staff has. The purpose of the training was to encourage staff to go beyond the first step of submitting work orders but, also to follow through on projects to ensure the work was completed. In addition to the seminar on change supervisors have monthly meetings with the general manager and administration to deal with issues, concerns and outstanding projects. Monthly meetings are held for in-house capital projects with program managers and structural maintenance to review, update and reassess priorities.

**Recommendation 5: Provide Customer Satisfaction Forms to Public**

R&P personnel should provide printed forms that encourage members of the general public who use its facilities to report any areas of concern.

**Responses**

*Mayor's Office  
September 30, 1997*

See response to recommendation #1. In addition, the public can also communicate issues about the Department's facilities and programs, via Rec. & Park's new interactive WEB site starting in early October.

*Recreation and Park Department  
January 5, 1998*

See response to recommendation #1

*Recreation and Park Department  
June 1, 1998*

On May 1, 1998 the Department implemented a survey form for use by the public to provide feedback on Department facilities, parks, restrooms and activities. The survey identifies 17 areas ranking the overall image of the site to the conduct and attitude of Department staff. Each site is evaluated and rated based on total points. This survey is available at recreation facilities, through the San Francisco water bill, and the Departments summer brochure. The survey also includes a section that encourages the public to become a part of their Neighborhood Recreation and Park Advisory Council.

A comment card has been developed and will be available for the public to complete at each facility within the next month. In addition, a more extensive survey has been developed, which will be periodically distributed at the golf courses to solicit the public's input.

**Recommendation 6: Adhere to Contractual Obligations**

R&P should be meticulous in maintaining its contractual obligations, thereby encouraging concessionaires to maintain theirs.

## **Responses**

### ***Mayor's Office***

***September 30, 1997***

A Lease Monitoring System has been implemented so that property management staff can efficiently and effectively track the various requirements for each agreement and ensure full compliance. Property Management will review each lease, record contractual obligations and establish a due date for completion. Lessee will be notified 30 days prior to due date for each contractual obligation. Property Management will completely review each lease by January 1, 1998. As each lease is reviewed and analyzed, all outstanding issues will be brought to the Commission for appropriate action. Annually property management staff will meet with each lessee to review lease operations.

The Commission has also established an ad hoc Committee to review leases and agreements. This committee will provide further direction and oversight to ensure that the Department is able to improve its monitoring of all contracts.

### ***Office of the City Attorney***

***October 7, 1997***

Although implementation of this recommendation is a policy decision for the Department, the City Attorney agrees that the Department should maintain its contractual obligations, and likewise require concessionaires to maintain their contractual obligations. The City Attorney works closely with the Department to provide advice with respect to the Department's obligations, as well as the concessionaires' obligations to the City.

### ***Recreation and Park Department***

***January 5, 1998***

Agree with Recommendation. A Lease Monitoring System has been developed and installed on the Department's computer system. This system will provide property managers the management tools to efficiently and effectively monitor both the Department's and lessee's obligations for each lease and ensure compliance. Property managers will review each lease and record lease obligation into the system's database. Due dates for completion of each obligation will be established and reviewed weekly until completed. To proactively monitor lease terms 30 day reminder notice will be sent to lessees reminding them of lease obligations. In addition, an annual evaluation and review of each lease will be conducted and reported to the Commission.



Property management will complete a full review of each lease by February 1, 1998. It is recommended that the results of this analysis be reported to the ad hoc committee on leases for review and resolution of any unmet contractual obligation.

***Recreation and Park Department***

***June 1, 1998***

A Lease Monitoring System has been developed on Microsoft Access. All leases have been reviewed and appropriate information has been entered into this system. Reminder notices have been sent out. In addition, staff is continuously reviewing and evaluating each lease.

While the Lease Monitoring System has been developed and initial information has been entered into this system we have not fully implemented this recommendation due to staff shortages (two staff have recently resigned and a third is a juror on a six month trial). As these positions are filled the Property Management Section will be able to fully implement this recommendation by the end of 1998.

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**Concession Contracts**

**Finding: Contracts Need to Be Improved**

The Grand Jury found several problems related to the wording, awarding, and maintenance of both golf course and other recreational concession contracts. Some lessees fail to make required capital improvements in a timely fashion, but R&P contracts seldom provide other options - - either increased rent or alternative improvements - - when the original agreement cannot be fulfilled. In one case, a contract required a golf course concessionaire to build a driving range within eighteen months; the concessionaire did not even submit plans till three years had passed. By then, various neighborhood changes and newly discovered environmental concerns had made the project infeasible, but the contract did not require the lessee to build the range at an alternative location or, if that was not possible, recompense the City monetarily. In another instance, a concessionaire constructed a golf cart-storage shed that was markedly smaller than contract specifications, then let it fall into disrepair. The Grand Jury could find no evidence that R&P either exacted compensation for the reduced building size or insisted the shed be properly maintained.



## **Responses**

### ***Office of the City Attorney***

***October 7, 1997***

The City Attorney does not have the specific facts relied upon by the Grand Jury with respect to this finding. However, we have advised the Department that we are ready to provide assistance whenever the terms of a lease or other agreement are not fulfilled. With respect to the finding concerning the driving range, as discussed below in response to recommendation No. 8, one way to avoid such problems is to provide for specific alternatives in the event a specific condition cannot be fulfilled.

## **Recommendation 7: Ensure Contracts Require Compliance With Provisions**

R&P contracts should contain provisions that ensure lessees comply with contractual obligations in a timely fashion, provide remedies for unwarranted delays, and penalize concessionaires who willfully neglect to fulfill agreed-upon contractual obligations.

## **Responses**

### ***Mayor's Office***

***September 30, 1997***

Rec. & Park Property Management staff is working with the Real Estate Department and the City Attorney on a revised department boiler plate lease. This lease will be completed by December 1, 1997, and will include appropriate language to implement both of these recommendations.

### ***Office of the City Attorney***

***October 7, 1997***

The City Attorney agrees with this recommendation and notes that existing leases address these matters. However, the City Attorney's Office is preparing new lease forms for the City's Recreation and Park Department. These forms will include standard commercial lease language requiring timely performance of all lease obligations as well as remedies for the breach of any and all lease provisions. There will be one generic form for any type of property and one form specifically for golf course property. The forms will be available for use within two months, and will be utilized as existing leases expire and are renegotiated.

***Recreation and Park Department***

***January 5, 1998***

Agree with recommendation. The Department with the assistance of the Real Estate Department and the City Attorney will develop by January 1, 1998 a departmental boiler plate lease. This lease would include standard language to be used for all Department leases. Specific language to implement both of these recommendations will be included in this lease.

***Recreation and Park Department***

***June 1, 1998***

The Grand Jury's recommendations to improve contractual provisions has been implemented with the assistance of the City Attorney, a boiler plate lease has been developed, which is consistent with what is being used by the Real Estate Department. This boiler plate lease includes standard provisions for late payments, etc. However, as each lease is finalized, additional terms are customized to fully protect the City's interest.

**Recommendation 8: Contracts Should Provide Remedies for Events Beyond Lessee's Control**

Contracts should provide mutually agreed-upon remedies, including renegotiation, in the event factors beyond the lessees' control, such as environmental restrictions or neighborhood objections, prevent fulfilling the original conditions.

**Responses**

***Mayor's Office***

***September 30, 1997***

See response to recommendation # 7.

***Office of the City Attorney***

***October 7, 1997***

The City Attorney agrees with this recommendation. The City Attorney advises generally that leases should include mutually agreed upon remedies in the event factors beyond the lessees' control prevent fulfilling the original terms of the lease. However, the City Attorney generally advises against lease provisions which require renegotiation and prefers certainty with regard to lease obligations, breaches, and remedies.

With regard to future specific leases, if the tenant is required to perform some act and the parties understand that the tenant may not be able to perform such act due to certain contingencies, the City shall include a provision which specifies a required alternative. This alternative may include the payment of money, the performance of the obligation at another location, and/or the performance of some other obligation

***Recreation and Park Department***

***January 5, 1998***

See response to recommendation # 7.

***Recreation and Park Department***

***June 1, 1998***

See response to recommendation # 7.

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**Finding: Contracts Not Renewed Timely**

Rather than issuing RFPs well in advance, especially for those concessions not performing up to expectations, R&P often allows contracts to expire and go on a month-to-month rental, thereby sometimes prolonging a relationship with an unsatisfactory tenant. The Grand Jury found eight concessions operating with expired agreements and two others due to expire in 1998. One of those is a golf course under consideration for an upgrade to professional tournament standards, which would require substantial expenditure of funds and add considerably to the complexity of negotiating a new lease.

**Responses**

***Office of the City Attorney***

***October 7, 1997***

The City Attorney is not aware of the status of all concession agreements, but we agree that at least one has expired and become month-to-month.

**Recommendation 9: Review Contracts Before Expiration Dates for Changes**

R&P should review contracts long enough before their expiration dates to be able to effect any desired changes in terms or issue RFPs.

## **Responses**

### ***Mayor's Office September 30, 1997***

Rec. & Park's Property Management Division (as its first step in preparing a bid package) will conduct a Business Review six months prior to the expiration of each lease. However, due to the current backlog of leases this will not be possible until June 30, 1998

### ***Office of the City Attorney October 7, 1997***

Implementation of this recommendation is a policy matter for the Department. However, the City Attorney believes that it would be in the City's best interests to implement this recommendation.

### ***Recreation and Park Department January 5, 1998***

Agree with recommendation. A Business Review will be completed by property management as the first step in preparing a bid package. Department policy will be to begin this review six months prior to the expiration of each lease. This will allow sufficient time to assess the various policy and business issues to be included in the bid package, and complete the bid package prior to the expiration of the existing lease. However, as shown on Exhibit A, due to the current leases requiring rebidding the Department will not be able to meet this deadline until July 30, 1998.<sup>1</sup>

### ***Recreation and Park Department June 1, 1998***

Due to an unanticipated reduction in staff, and the number and complexity of leases presently requiring rebidding, we do not anticipate meeting this requirement until the end of 1998.

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<sup>1</sup> We did not include the exhibit in this report. A copy of the exhibit may be obtained by request from the Controller's Audits Division.

### **Finding: Rent Collections Not Always Timely**

R&P has allowed several tenants to fall into arrears on their rents, resulting not only in loss of income to the City but also in occasional lengthy disputes over amounts due, some of which have required the City Attorney's intervention. In one such case, the amount in dispute is over \$100,000. Although the SF Controller alerted R&P to problems with one contract in a 1994 audit, R&P neglected to take corrective action for two years and has just recently referred the matter to the City Attorney.

#### **Responses**

*Office of the City Attorney*

*October 7, 1997*

As noted, the City Attorney is not aware of the status of all concession agreements. However, with respect to the specific tenant discussed, we agree with the statements in this finding.

### **Recommendation 10: Make Timely and Accurate Rent Payments a Priority**

R&P should make timely and accurate rent payment by its concessionaires a higher priority than has been its practice, instituting remedial action whenever lessees either fall into arrears with or under report monies due.

#### **Responses**

*Mayor's Office*

*September 30, 1997*

The following actions have been taken by Rec. & Park to implement this recommendation:

- The Revenue Section supervisor has been assigned responsibility for monitoring and reporting of rent payments.
- Lease payments will be monitored on a daily basis and each lessee will be immediately notified by phone and in writing upon any rent delinquency. If rent is not paid within five working days, the Property Management staff and the City Attorney will be notified to take appropriate action.
- A reminder notice will be sent 30 days prior to annual lease term so as to notify lessee of any annual minimum rent deficiency.
- The Director of Property Management has instituted regular shopping service.



***Office of the City Attorney***

***October 7, 1997***

The priority assigned by the Recreation and Parks Department to ensuring timely rental payments is a policy matter for the Department. However, the City Attorney stands ready to advise the Department concerning such payments and assist in enforcing tenant obligations under the leases.

***Recreation and Park Department***

***January 5, 1998***

Agree with recommendation. In order to improve accountability for this important function, the revenue section supervisor has been assigned responsibility to monitor all collections. Payments will be monitored on a daily basis, and lessees will be immediately notified by phone and in writing upon any rent delinquency. If rent is not paid within five working days after due date, the property management and the City Attorney will be notified to take appropriate legal action to ensure payment. Deficiencies will be reviewed weekly with the General Manager and reported monthly to the Commission.

Reminder notice will be sent 30 days prior to the due date of any annual minimum rent payment. This reminder will include the amount of the rental payment necessary to remind the lessee of the amount required to meet any annual minimum rent provision. Additionally, payment records for each lease since the date of the last Controller audit are being reviewed, and penalty and interest is being billed for each late payment. Department procedures for this review are consistent with the procedures used by the Controller's Audit Division in their audits of Department lessees. This analysis, attached as Exhibit B, has resulted in the billing of \$33,885 in penalty and interest charges.<sup>2</sup> This analysis will be completed for each lease by October 15, and the result of this analysis will be reported to the Commission.

These improved procedures in conjunction with the non-sufficient check policies adopted by the Commission last year and continued use of the shopping service contract will ensure prompt payment of all amounts due the Department.

***Recreation and Park Department***

***January 5, 1998***

Revenue staff monitor payments on a weekly basis, and all delinquencies are followed up as soon as they occur.

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<sup>2</sup> We did not include the exhibit in this report. A copy of the exhibit may be obtained by request from the Controller's Audits Division.

**Finding: Contracts Alert Lessees to Audits**

Contracts alert lessees to the specific years for which they may expect audits, encouraging them to report revenues accurately for those years but not necessarily for every year.

**Response**

*Office of the City Attorney*

*October 7, 1997*

The City Attorney is aware of one such lease, in which the lessee is required to provide audited financial statements in specified years. However, even under the terms of that lease, the City retains the right to examine the lessee's books and records at any reasonable time for purposes of auditing the same.

**Recommendation 11: Do Not Specify Years in Which Audits Will Occur**

Contracts should not specify in which (or for which) years audits will occur.

**Responses**

*Mayor's Office*

*September 30, 1997*

Appropriate language will be included in new department boiler plate lease (as stated above).

*Office of the City Attorney*

*October 7, 1997*

The new lease forms being prepared by the City Attorney will give the City standard audit rights and require each tenant to submit certified financial statements and reports on an annual basis. In addition, the City will be entitled to audit a tenant's financial reports relating to the leased premises at any time during the lease term.

*Recreation and Park Department*

*January 5, 1998*

Agree with recommendation. Appropriate language to implement this recommendation will be included in Department boiler plate leases currently being prepared.

***Recreation and Park Department***

***June 1, 1998***

See response to recommendation # 7.

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**Record Keeping**

**Finding: Insurance Records Not Maintained**

The Grand Jury had some difficulty in making certain determinations because R&P did not keep the kinds of records necessary to review the histories of each property thoroughly. For example, when the Jury requested proof of insurance and workers' compensation policies, R&P's Property Management division did not have current certificates on file. (R&P subsequently obtained, and then gave the Jury, up-to-date certificates for all concessionaires.)

**Recommendation 12: Regularly Determine if Lessees Are Maintaining Insurance**

R&P should institute procedures to determine on a regular basis whether lessees are maintaining all required insurance.

**Responses**

***Mayor's Office***

***September 30, 1997***

All leases have been reviewed by the Department to ensure compliance with insurance and bond requirements. The Lease Monitoring System described above will include procedures to ensure compliance of this requirement.

***Recreation and Park Department***

***January 5, 1998***

Agree with recommendation. All leases have been reviewed to ensure compliance with insurance and bond requirements. The Lease Monitoring System described above will include procedures to ensure compliance of this and all other lease obligations.

***Recreation and Park Department  
June 1, 1998***

As previously stated, a Lease Monitoring System has been implemented and reminder notices have been sent out. Follow-up calls are made as appropriate.

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**Finding: Building Plans Not Maintained**

R&P never was able to provide building plans the Jury requested.

**Recommendation 13: Maintain Blueprint Files**

R&P should keep files of blueprints and other related construction documents so that its own staff or outside examiners can readily check any structures against their original plans.

**Responses**

***Mayor's Office  
September 30, 1997***

As part of a comprehensive lease monitoring program, blueprints will be stored in a centrally located area in the Property Management office. A separate section of the Department map room will be designated for concession improvements. All lessee-required capital improvements will be monitored as part of the Lease Monitoring System. All lessee improvements will be evaluated by the Department to ensure compliance with lease terms, and submitted to the Commission for approval.

***Recreation and Park Department  
January 5, 1998***

Agree with recommendation. As part of a comprehensive lease monitoring program, blueprints will be stored in a centrally located area in the Property Management Office.

All lessee required capital improvement will be monitored to ensure compliance with lease obligations as part of the Lease Monitoring System. Plans and specifications for all improvement will be evaluated and submitted to the Commission for approval, prior to construction.

***Recreation and Park Department  
January 5, 1998***

An area has been designated for all concession related blueprints.

## **General Responses**

### ***Office of the City Attorney***

***May 29, 1998***

The Grand Jury's report on Recreation and Park Department ("Rec & Park") concessions contracts made several recommendations for improving the agreements between Rec & Park and its lessees. In our response to the Grand Jury's report, we noted that we were working with Rec & Park to develop new standardized language for lease agreements. The revised language for the agreements has been developed and provided to Rec & Park. We believe that the revised language appropriately addresses the Grand Jury's legal concerns. The remaining recommendations in the report on Rec & Park concern departmental policy matters.

### ***Controller's Office***

***May 8, 1998***

The Controller generally agree with all the recommendations of the Grand Jury.





## **Chapter 8**

### **Department of Building Inspection**

#### **Background**

In 1995 the building inspection function was removed from the Department of Public Works (DPW) and became a separate department, the Department of Building Inspection (DBI). In its first two years it has concentrated on streamlining its functions to reduce the time for issuing construction permits. It has also revised its procedures for conducting inspections and permit review to better serve the public. The 1996-1997 San Francisco Civil Grand Jury's review of DBI leads us to conclude that DBI has made outstanding progress in these efforts.

The Civil Grand Jury focused on the construction permit approval process. In the past the Bureau of Building Inspection (BBI) had been criticized because of the time it took to issue construction or remodeling permits. We found that permit processing time has been substantially reduced. Currently, 75% of permits are issued the same day requested; another 15% take a week; 5% take a month; and 5% up to three months. The longer delays usually are the result of requirements for public hearings prior to approval. Some are delayed where several City departments must make inspections. This process will be streamlined in 1997 with the intent of cutting the time for multiple reviews in half.

In the past a permit applicant has had to deal with each department (inspection, planning, etc.) that had responsibility for reviewing various aspects of the construction proposal. As a result of our discussions with DBI employees, a new procedure is being installed which will establish a single contact for all aspects of the application. A single coordinator for the permit process will significantly reduce the time required for approval where several departments are involved.

#### **Results**

The Civil Grand Jury made 3 recommendations and required responses from the following:

Mayor  
Board of Supervisors  
Department of Building Inspection  
Building Inspection Commission

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**Finding: DBI Should Continue to Implement Its One Stop Permit Center**

Approximately 50,000 permits are issued each year. Currently, 80% of residential permits and 50% of commercial permits are issued "over the counter" (same day). DBI's goal is to increase "over the counter" permitting to 85% for residential and 60% for commercial. This rate has improved appreciably since DBI was reorganized.

**Recommendation 1: Continue to Implement the One-Stop Permit Center**

DBI should continue to work with other departments to implement its planned process for applicants to have a single contact to determine the status of permit requests. This "one-stop permit center" will allow the permit applicant to deal with one person until the permit is issued rather than the current process of dealing with four to five persons from various City reviewing agencies.

**Responses**

***Mayor's Office***

***September 30, 1997***

This recommendation has been implemented by the Mayor's Office in that it has approved the department's budget request to fully staff the program, which is expected to begin in January 1998.

***Building Inspection Commission***

***October 6, 1997***

The Commission has identified the implementation of the One-Stop Permit Processing Program as one of the top priorities of the Department which will include the simultaneous review of building permit applications by different departments. It is the Department's goal to have the program staffed and fully operational by April 15, 1998.

***Building Inspection Commission***

***May 12, 1998***

The Department of Building Inspection established the One Stop Permit Coordination Program on March 31, 1998.

***Department of Building Inspection***

***September 30, 1997***

The Planning Department, Fire Department, Public Works, and Health Department have been and will continue to be active participants in developing and refining the

One-Stop Program. This program additionally has the support of both the Mayor's Office and the Board of Supervisors who approved the budget request to fund One-Stop in June of this year.

Recruitment is already underway for the One-Stop Permit Coordination Manager and interviews will be held in early October. Once selected and appointed, the Manager will take an active role in developing and promoting the program as well as recruiting and selecting the Permit Coordinators, Permit Clerks, and Secretary. A preliminary floor plan for the new program has already been designed. Construction will begin in December of this year and I anticipate that the One-Stop Program will be fully implemented in March of 1998.

***Department of Building Inspection***

***June 1, 1998***

The Department of Building Inspection (DBI) established the One-Stop Permit Coordination Program on March 31, 1998.

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**Finding: No Formal Procedure for Tracking Permits Requiring Approval of Other Departments**

If an application requires approval by other City departments it is referred to DBI for appropriate review. Building Inspection coordinates with the other departments but there has not been a formal procedure to track these permits.

**Recommendation 2: Implement Simultaneous Reviews**

Similarly, DBI should pursue and implement the planned new process to have departments review an application simultaneously rather than passing an application from one department to the next. Under the old system, approval could take at least four months. Under the new system, approval time should be cut in half.

**Responses**

***Mayor's Office***

***September 30, 1997***

The Mayor's Office understands the Director will institute this recommendation by April 1998.

***Building Inspection Commission***

***May 12, 1998***

The Department also continues to require approved reports from the State Air and Water Quality Board to be filed with DBI before final approval of a demolition is given.

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**Finding: State Permits Are Not Filed With DBI**

In the case of a demolition permit, the contractor must represent that it has contacted the State Air and Water Quality Board. Residential demolition permits are not issued until plans for the replacement structure are submitted and approved. However, reports from the State showing compliance with air and water quality requirements are not sent to the DBI.

**Recommendation 3: Required Filing of State Reports**

Where permits for building demolition are made, DBI should require that approved reports from the State Air and Water Quality Board be filed with DBI before final approval of the demolition is given. This will insure that the state's requirements have been met.

**Responses**

***Building Inspection Commission***

***October 6, 1997***

The Commission has identified the implementation of the One-Stop Permit Processing Program as one of the top priorities of the Department which will include the simultaneous review of building permit applications by different departments. It is the Department's goal to have the program staffed and fully operational by April 15, 1998.

***Building Inspection Commission***

***May 12, 1998***

The Department continues to require approved reports from the State Air and Water Quality Board to be filed with DBI before final approval of a demolition is given.

***Department of Building Inspection***

***September 30, 1997***

While DBI intends to implement this recommendation, it will necessitate cooperation with the State Air and Water Quality Board. We will need to assess their current



reporting procedures and backlog in order to evaluate the feasibility of withholding approval. DBI has an obligation to fast and efficient service to our customers. If a new procedure is implemented that may delay that service then DBI must devise a system for notification and timely report submittals that has the least possible negative impact on the timeliness of service delivery. After this study is complete we plan to implement this recommendation within 90 days.

***Department of Building Inspection***

***June 1, 1998***

The Department continues to require approved reports from the State Air and Water Quality Board to be filed with DBI before final approval of a demolition is given.



## **Chapter 9**

### **Animal Care and Control**

#### **Background**

San Francisco's animal services suffer from fragmentation among various agencies, philosophical differences among staff members of these agencies and funding problems. The 1996-1997 San Francisco Civil Grand Jury recommends moving dog licensing from the Tax Collector's office to the Department of Animal Care and Control (ACC), and vicious animal hearings from the San Francisco Police Department (SFPD) to a Court Commissioner. These changes would improve animal services to the citizens of San Francisco. The Grand Jury also urges the courts to take into consideration the cost to taxpayers, cruelty to animals, and hardship on caretakers, when animals are confined for lengthy periods awaiting trial decisions, and to expedite such hearings as much as possible within the limits of the law.

#### **Results**

The Civil Grand Jury made 7 recommendations and required responses from the following:

Mayor  
Board of Supervisors  
Department of Animal Care and Control  
City Attorney  
District Attorney  
Public Defender

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#### **Licensing**

##### **Finding: Inadequate Licensing Enforcement**

San Francisco has an inadequate method of enforcing licensing requirements.

##### **Recommendation 1: ACC Should Assume Dog Licensing Duties**

The City should institute a trial program under which ACC would take over dog licensing duties from the Tax Collector's office and receive appropriate funding. At the end of the trial period, the Controller should evaluate the cost-effectiveness of this endeavor and make appropriate recommendations.

## **Responses**

### ***Mayor's Office September 30, 1997***

The recommendation requires further analysis as to that portion dealing with funding. If additional funding is requested for the FY 98-99 budget year, it will be considered in the context of our fiscal situation at that time.

### ***Office of the City Attorney October 7, 1997***

The City Attorney lacks adequate information on which to respond to the Grand Jury's findings with respect to licensing. The Grand Jury's recommendations with respect to these findings raise departmental policy issues. The City Attorney has no control over the implementation of these recommendations.

### ***Department of Animal Care and Control September 25, 1997 and May 12, 1998***

We concur with the recommendation to take over the issuance of dog licenses. We do not, however, feel that it needs to be done on a trial basis. There has been quite a bit of background work done on analyzing the costs and benefits of such a move, and we feel that, with only a slight increase in a General Fund subsidy for the first year, the project can be fully self-supporting in a very short amount of time. We plan on requesting the necessary personnel, supplies and equipment in our FY 98-99 budget request.

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## **Finding: Insufficient Funding to Enforce Licensing**

ACC lacks sufficient funding to enforce licensing.

### **Recommendation 2: Require Veterinarians to Submit Rabies Certificates**

ACC should evaluate the costs and benefits of requiring veterinarians to submit copies of all rabies vaccination certificates and using that information to notify owners of unlicensed dogs of the licensing requirement.

## **Responses**

### ***Mayor's Office***

***September 30, 1997***

The Mayor's Office defers to the Department of Animal Care and Control with respect to implementation of this recommendation.

### ***Office of the City Attorney***

***May 29, 1998***

Implementation of the Grand Jury's recommendations with respect to the Department of Animal Care and Control are policy matters. As these recommendations do not involve legal issues, our office has no further information. However, where these departments encounter legal issues in implementing the Grand Jury's recommendations, this office provides advice in response to departmental inquiries.

### ***Department of Animal Care and Control***

***September 25, 1997 and May 12, 1998***

We concur with this recommendation and will begin to undertake such an evaluation. Should it be determined that the costs outweigh the benefits, we would bring the proposal forward to the Animal Control and Welfare Commission, as well as to the San Francisco Veterinary Medical Association to see how well such a program would be accepted.

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## **Finding: Other Jurisdiction Charge More for Licenses**

San Francisco charges less for licenses than other Bay Area cities and counties.

### **Recommendation 3: Request Increase in License Fees**

ACC should request an increase in license fees at least equal to those charged in Oakland.

## **Responses**

### ***Mayor's Office***

***September 30, 1997***

This recommendation requires further analysis. Oakland's fees range from \$40 to \$100. It remains to be seen whether San Francisco would support fees at this level. In fact,



when we recently increased the fees to their present levels, it was met with opposition from the Animal Control and Welfare Commission. It may be possible to increase fees, it is important to do so only after a viable enforcement program is in place.

***Department of Animal Care and Control***  
***September 25, 1997 and May 12, 1998***

Oakland's fees range from \$40 to \$100. We do not think that San Francisco would support fees at this level. In fact, when we recently increased the fees to their present levels, it was met with opposition from the Animal Control and Welfare Commission. It may be possible to increase fees, but we feel that it is important to do so only after a viable enforcement program is in place.

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**Finding: Animal Control Functions are Dispersed**

Animal control functions are dispersed among various city departments.

*The Grand Jury did not make a recommendation for this finding.*

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**Vicious Animals**

**Finding: The Municipal Court Should Hold Hearings on Vicious Animals**

The Grand Jury agreed with the widely expressed admiration for the skills of the SFPD officer currently charged with hearing vicious animal complaints and also agreed with the consensus of the various parties involved that this function more properly belongs under the aegis of the Municipal Court.

**Responses**

***Office of the City Attorney***  
***October 7, 1997***

The City Attorney lacks adequate information with which to respond to the Grand Jury's findings with respect to the skills of the police officer currently assigned to conduct hearing, or to the merits of transferring these functions to the Municipal Court. However, we are aware of no legal impediment to transferring this function to the Municipal Court.

#### **Recommendation 4: Municipal Court Commissioner Should Hear Complaints**

A Municipal Court Commissioner should be trained to take over this part-time, but sensitive, position.

##### **Responses**

###### ***Mayor's Office***

***September 30, 1997***

The Mayor's Office defers to the Presiding Judge of the Municipal Court with respect to this recommendation.

###### ***Office of the City Attorney***

***October 7, 1997***

Whether the hearing function should be transferred to Municipal Court is a departmental policy question. The City Attorney has no control over the implementation of this recommendation. However, as noted above, there appears to be no legal impediment to transferring this function.

###### ***Department of Animal Care and Control***

***September 25, 1997***

We will discuss this proposal with the Presiding Judge of the Municipal Court.

###### ***Department of Animal Care and Control***

***May 12, 1998***

We have recently sent this recommendation to the Presiding Judge of the Municipal Court for her evaluation.

###### ***Public Defender's Office***

***April 10, 1998***

The Grand Jury suggests that vicious animal complaints be placed under the aegis of the Municipal Court with a commissioner to hear the issues of fact? I think not. The workload of the Muni Court is now staggering in criminal and administrative matters. There is an increasing trend to refer matters to arbitration and dispute mediation services, such as Community Boards or California Community Dispute Services. These services are more-cost-efficient, more expeditious, and more informal than the case of a Commissioner.

**Finding: Armed Bailiffs Should Be Present at Hearings**

Vicious animal hearings resemble trials and often elicit strong emotions from participants, which, on occasion, have led to actual physical violence.

**Recommendation 5: Use Armed Bailiffs at Hearings**

Armed bailiffs should be present at all vicious animal hearings, and participants should pass through metal detectors en route to such hearings.

**Responses**

***Mayor's Office***

***September 30, 1997***

Should the Municipal Court agree to the use of a commissioner for these hearings, this recommendation will already have been implemented, as it is likely hearings would be held at either the Civil Courthouse or at the Hall of Justice. In either case, participants would have to pass through a metal detector and Sheriff's Deputies would be on duty in the hearing room.

***Department of Animal Care and Control***

***September 25, 1997 and May 12, 1998***

Should the Municipal Court agree to the use of a commissioner for these hearings, it is likely that they would be held at either the Civil Courthouse or at the Hall of Justice. In either case, participants would have to pass through a metal detector and Sheriff's Deputies would be on duty in the hearing room.

***Public Defender's Office***

***April 10, 1998***

The use of armed bailiffs for such hearings is expensive and, I think, unnecessary. A hearing officer can go to the place where the animal is located, and determine for himself or herself the dangerousness of the animal.

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## **Holding Animals As Evidence in Court Cases**

### **Finding: Long Term Holding of Animals Should Be Avoided**

Dogs confined as evidence in court cases where the charge is harboring a vicious or fighting animal or otherwise abusing an animal can be held in cages at ACC for up to a year and a half awaiting the trial. Nevertheless, the Grand Jury found no instance where a dog was actually brought into court. This is both inhumane and expensive. Furthermore, all experts the Grand Jury consulted agree that an animal confined to a cage for many months would not exhibit the same characteristics it had when first incarcerated. The "evidence" would change over time.

### **Recommendation 6: Plan to Avoid Unnecessary Holding**

In those cases where the District Attorney has requested that ACC house animals, all parties involved — ACC and the District, City, and defense attorneys — should cooperate in developing a plan that will preserve the necessary evidence yet avoid the need to house those animals for up to a year and a half.

#### **Responses**

##### ***Mayor's Office***

***September 30, 1997***

These recommendations require further analysis. ACC has virtually no control over these processes. The Mayor's Office defers to ACC for a determination what is the most humane approach in these situations.

##### ***Office of the City Attorney***

***October 7, 1997***

The City Attorney agrees that necessary evidence should be preserved in these cases. However, the City Attorney is not a party to these cases. Accordingly, the question of whether to develop an alternative procedure to preserve evidence without housing animals for a period of time is a departmental policy matter over which the City Attorney has no control. Should the Department of Animal Care and Control decide to develop such a procedure, the City Attorney will work with the Department to ensure that any such procedures comply with applicable law.

***Department of Animal Care and Control***

***September 25, 1997 and May 12, 1998***

We fully concur with these recommendations. However, ACC has virtually no control over these processes. We feel that having to house certain animals for long period of time likely constitutes more inhumane treatment of certain animals than these animals received prior to their being impounded. ACC has and will continue to work with all City agencies in attempting to expedite the resolution of cases so that suffering of the animals involved in said cases is minimized to the greatest degree possible.

***District Attorney's Office***

***October 1, 1997***

This Office is in agreement with this recommendation and has previously attempted to achieve this goal. We have done the following:

- 1) We have advised counsel for the defense that the animals are available for inspection and will only be kept for a stated period of time. Unfortunately, we have been told that the defense will petition the court for an order to preserve the evidence or worse, threatened with legal sanctions, including dismissal of the case, if the animal is not held.
- 2) We have told ACC that they should, independently of a criminal case, petition for a vicious dog hearing while the criminal case is pending
- 3) We have met with the City Attorney who advises ACC and encouraged the Deputy City Attorney to proceed independently of this Office in pursuing civil remedies to deal with vicious dogs who are also held as evidence. It is our Office's belief that resolving the problem of animals held as evidence requires the cooperation of the entire criminal defense bar, not just the Public Defender's Office. Some attorneys hesitate to cooperate believing, with good reason, that agreeing to release the dog will likely result in the animal's destruction.

Further, in other cases, the defense may feel that opposing early disposition of the animal may work to the defendant's advantage as it may encourage our Office to agree to a lighter disposition or to agree that the animal can be returned to the owner or his/her designee.

This office is willing to work with any other agency/agencies to set up workable alternatives to the current system.



***District Attorney's Office***

***May 26, 1998***

It still accurately reflects our approach and recommendation. We do notify defense counsel in conformity with item 1 of our response. We should be able to notify defense counsel and videotape all animals in a short period of time. No other agency has contacted us to consider alternative arrangements.

***Public Defender's Office***

***April 10, 1998***

I believe the animal should be video taped in the presence of counsel then disposed of either returned to the owner or sent to the pound. The actual presence of the animal is not indispensable for a fair trial

**Recommendation 7: Expedite Hearings**

In cases of abused animals that ACC has determined to be no danger to the community and eligible for either release to owners or adoption, the Grand Jury recommends that ACC seek methods to expedite hearings to avoid the hardship of long-term caging on both caretakers and animals.

**Responses**

***Mayor's Office***

***September 30, 1997***

These recommendations require further analysis. ACC has virtually no control over these processes. The Mayor's Office defers to ACC for a determination what is the most humane approach in these situations.

***Department of Animal Care and Control***

***September 25, 1997 and May 12, 1998***

We fully concur with these recommendations. However, ACC has virtually no control over these processes. We feel that having to house certain animals for long period of time likely constitutes more inhumane treatment of certain animals than these animals received prior to their being impounded. ACC has and will continue to work with all City agencies in attempting to expedite the resolution of cases so that suffering of the animals involved in said cases is minimized to the greatest degree possible.





## **Chapter 10**

### **Use of City and County of San Francisco Motor Vehicles**

#### **Background**

The 1996-1997 San Francisco Civil Grand Jury investigated after-hours use of City and County-owned motor vehicles. The Jury's investigation included questionnaires sent to all departments, meetings with several of department heads, and review of appropriate sections of the Administrative Code. The Grand Jury concludes that the present system for monitoring such after-hours use of vehicles is unsatisfactory and that some unauthorized use occurs. The citizens of the City and County of San Francisco are entitled to have confidence in the fact that the hundreds of motor vehicles purchased or leased with their tax dollars should be used appropriately, and that personal use of such vehicles is not abused. The Grand Jury recommends a more formalized system of reporting and review of such use.

#### **Results**

The Civil Grand Jury made 3 recommendations and required responses from the following:

Mayor's Office  
Board of Supervisors  
Controller

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#### **Finding: No Supervisory Review of Use of City Vehicles After Work Hours**

The current system of allowing each department to decide, without any oversight review, which employees may take vehicles home with them overnight or on weekends, and on what occasions, is unsatisfactory. The current system lacks any supervisory control. Abuses of the current system are widespread.

#### **Recommendation 1: Formalize After-Hours Use of Vehicles**

A more formalized approach to after-hours use of City and County-owned vehicles needs to be undertaken.

## **Response**

*Mayor's Office*

*September 30, 1997*

The recommendation has not been implemented, but it is the intention of the respondent to implement them. The Mayor's Office will immediately request a report from the Department of Administrative Service that addresses this recommendation.

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## **Finding: No Oversight of After Work Hour Vehicle Usage**

There are certain instances where use that would be improper by a literal reading of the Administrative Code nevertheless makes good sense. For instance, some departments lack adequate garage space. Cars owned by these departments would have to be left on the street overnight if not taken home by employees. In such instances, employees are often allowed to take vehicles home at night simply so that they will not stand unattended on the street overnight. While such a practice may be reasonable, it is nonetheless subject to abuse. Oversight of these practices is lacking.

## **Recommendation 2: Periodic Reports Should Be Submitted by Departments on After-Hour Vehicle Usage**

On a periodic basis, monthly or quarterly, each department should report to one designated official each instance of after-hour use of all motor vehicles assigned to that department. The person designated to receive and review these reports must have the authority to investigate them for accuracy, and must do so. The Controller's office is best equipped to perform this function.

## **Responses**

*Mayor's Office*

*September 30, 1997*

The recommendation has not been implemented, but it is the intention of the respondent to implement them. The Mayor's Office will immediately request a report from the Department of Administrative Service that addresses this recommendation.

***Controller's Office***

***May 8, 1998***

While I do not normally mind taking on new challenges, I do not have the staff available to handle this task well. We have no City vehicles in the Controller's Office. I prefer a combination transit first and City car pool approach with overnight parking available. Until that occurs, departments are making various special arrangements that often make sense even if they don't comply with the letter of the City's policy. Individual Department Heads should be responsible for compliance with City policies.

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**Finding: Departments Not Always Reporting Vehicle Usage for Tax Purposes**

Prior to the commencement of this investigation, certain departments were not adequately reporting employees' use of vehicles to the Controller for tax purposes. This investigation has changed some of those practices, but probably not all. The Controller's Office does not investigate each department's method of reporting vehicle use, and therefore has no way of knowing whether such reports are accurate. The entire system appears to operate on the "honor system."

**Recommendation 3: Certify Employee Usage for Tax Purposes**

The reports must certify that, for each reportable pay period, each employee who has used a motor vehicle has been appropriately charged with the \$3.00 imputed income that will be reported on the employee's W-2 Form.

**Response**

***Mayor's Office***

***September 30, 1997***

The reports that are to be forwarded to the Controller's Office should include the name and dates of after-hours use of City vehicles. Since the Controller's Office is responsible for payroll processing, this would appear to be the easiest way to audit payroll information.



## **Appendix A**

### **Members of the 1996-97 San Francisco Civil Grand Jury**





## **Members of the 1996-97 San Francisco Civil Grand Jury**

Ron Miguel, Foreperson

Elizabeth A. Zitrin, Secretary

Wade A. Acton

Serena Bardell

Robert L. Bassinette

Al D. Benjamin

Jane A. Buckley

Bruce D. Celebrezze

Scott Conley

Frederick S. Fields

Stanley Granz

Margery Hom-Brown

Jack Leibman

John Lockley

Jesus Ramos

John J. Ross

Michael H. Samson

John J. Walsh

Brent T. Yonehara





